

Washington State Register

FEBRUARY 18, 1987

OLYMPIA, WASHINGTON

ISSUE 87-04



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Washington State Register

CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 28B.19 or 34.04 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of February 1987 pursuant to RCW 19.52.020 is twelve percent (12%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGH-EST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXI-MUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

The maximum allowable retail installment contract service charge applicable for calendar year 1987 pursuant to RCW 63.14.130(1)(a) is twelve and one-quarter percent (12¼%).

WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

I. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** have been adopted on an emergency basis and are set forth in ten point oblique type.

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined matter is new matter;
 - (ii) deleted matter is (~~lined out and bracketed between double parentheses~~);
- (b) Complete new sections are prefaced by the heading **NEW SECTION**;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading **REPEALER**.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

Material inserted by the code reviser for purposes of clarification or correction or to show the source or history of a document is enclosed in brackets [].

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1986 - 1987

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

<u>Issue No.</u>	<u>Closing Dates¹</u>			<u>Distribution Date</u>	<u>First Agency Action Date³</u>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing/adoption on or after</i>
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86-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21
86-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
86-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
86-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
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87-05	Jan 21	Feb 4	Feb 18	Mar 4	Mar 24
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87-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
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¹All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared by the order typing service (OTS) of the code reviser's office; see WAC 1-12-220 or 1-13-240. Agency typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³"No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 87-04-001
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
ASIAN AMERICAN AFFAIRS
[Memorandum—January 16, 1987]

The April 18, 1987, CAAA meeting scheduled in Tacoma is moved to Seattle, same date.

WSR 87-04-002
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Podiatry Board)
[Memorandum—January 20, 1987]

1987 MEETING SCHEDULE

January 30, 1987	Nendels Motor Inn	Seattle
March 18, 1987	Nendels Motor Inn	Seattle
May 29, 1987	Nendels Motor Inn	Seattle
July 29, 1987	Nendels Motor Inn	Seattle
September 25, 1987	Nendels Motor Inn	Seattle
November 18, 1987	Nendels Motor Inn	Seattle

WSR 87-04-003
ADOPTED RULES
DEPARTMENT OF FISHERIES
[Order 87-03—Filed January 22, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

This action is taken pursuant to Notice No. WSR 86-24-065 filed with the code reviser on December 3, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 20, 1987.

By Joseph R. Blum
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-44-060 COMMERCIAL JIG LOGBOOK REQUIRED.

WAC 220-44-070 BOTTOMFISH TROLL LOGBOOK REQUIRED.

AMENDATORY SECTION (Amending Order 85-24, filed 4/1/85)

WAC 220-48-011 BEAM TRAWL AND OTTER TRAWL—GEAR. (1) Mesh sizes. It is unlawful to use or operate beam trawls or otter trawls having mesh size in the codend section less than 4 1/2 inches in waters of Puget Sound, unless otherwise provided.

(a) It is lawful to use or operate bottom trawl gear having mesh size in the codend section of not less than 3 inches in Marine Fish-Shellfish Catch Reporting Areas 28A, 28B, 28C, and 28D, during December 1 through ((March 31)) April 14.

(b) It is lawful to use or operate pelagic trawl gear having mesh size in the codend section of not less than 3 inches while fishing for Pacific whiting during the seasons provided in WAC 220-48-017 (1) and (2).

(2) Chafing gear.

(a) For bottom trawls, chafing gear must have a minimum mesh size of 15 inches unless only the bottom one-half (underside) of the codend is covered by chafing gear.

(b) For roller trawls and pelagic trawls chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6.0 inches.

AMENDATORY SECTION (Amending Order 85-24, filed 4/1/85)

WAC 220-48-015 BEAM TRAWL AND BOT-TOM TRAWL—SEASONS. (1) It is lawful to ((take;)) fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, 22B, 23A, 23B, 23C, 25A, 25B, 25D, and 29 the entire year with the following exceptions:

(a) Those waters of Area 20A east of a line projected from Point Whitehorn to Sandy Point are closed the entire year.

(b) Those waters of Area 25A lying southerly and westerly of a line projected from Kipot Point to Gibson Spit (Sequim Bay) are closed the entire year.

(c) Area 25D is closed from February 1 through April 14 each year.

(2) It is lawful to take, fish for and possess bottomfish with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 26A, 26B, and 26D from April 15 through February 14 with the following exceptions:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A west of a line from Strawberry Point on Whidbey Island to Brown Point on Camano Island, are closed except from June 15 through February 14.

(b) Elliot Bay inside a line projected from Four Mile Rock to Alki Point is closed the entire year.

(c) Those waters of Area 26D south of lines projected from Dash Point to Point Piner on Maury Island, and from Point Dalco on Vashon Island true west to the Kitsap Peninsula are closed the entire year.

(d) Those waters provided for in WAC 220-20-020(4).

(3) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl and beam trawl gear for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 24D (Holmes Harbor), ((25E,)) 27A, 27B, and 27C (Hood Canal) except on Mondays and Tuesdays from December 1 through February 14.

(4) It is unlawful to take, fish for, or possess bottomfish taken with bottom trawl or beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 25E except on Monday through Thursday from December 1 through February 14 with the following exception: Those waters of Area 25E lying southerly of a line projected from Mill Point due east to the opposite shore, are closed the entire year.

(5) It is lawful to take, fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 28A, 28B, 28C, and 28D from December 1 through April 14, with the exception of the following closed waters:

(a) Those waters of Hale Passage and the Narrows east and north of lines projected from Fox Point on Fox Island true east to the mainland, and from the northwest point on Fox Island true north to the mainland.

(b) Budd Inlet south of the northern boundary of the restricted berthing area shown on United States Coast Guard Chart No. 6460.

(c) Eld Inlet south and west of a line projected true south from Flapjack Point.

(d) Totten Inlet south and west of lines projected true north and true east from the outermost point on the west side of Gallagher Cove.

(e) Henderson Inlet south of a line projected true east from Dickerson Point; the waters inside Hartstene Island between lines projected from Unsal Point to Brisco Point and Salmon Point true east to Hartstene Island; and all of Hammersley Inlet.

(f) Those waters provided for in WAC 220-20-010(6).

(g) Those waters of Area 28A south of a line due west from the northernmost point of McNeil Island; west of a line running north and south between McNeil and Anderson Islands through Eagle Island; and west of a line projected southerly from Lyle Point on Anderson Island through the quick flashing buoy on Nisqually flats and southerly of a line from Johnson's Point to Devil's Head.

(h) Those waters of Area 28A south of a line projected due west from Johnson Point to Hartstene Island (Dana Passage).

(6) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl or beam trawl gear for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 21B, 23D, 25C, and 26C the entire year.

(7) It is unlawful to operate bottom trawl or beam trawl in waters less than 60 feet in depth in Marine Fish-Shellfish Management and Catch Reporting Areas

24A, 24B, 24C, 24D, 25A, 25B, 25C, 25D, 25E, 26A, or 26B, and it is unlawful to operate bottom trawl or beam trawl in waters less than 30 feet deep in all other waters of Puget Sound east of the mouth of the Sekiu River.

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

WAC 220-48-017 PELAGIC TRAWL—SEASONS. It is unlawful to take, fish for and possess bottomfish taken with pelagic trawl gear except in the Marine Fish-Shellfish Management and Catch Reporting Areas and during the times as follows:

(1) Area 24C south of a line projected due west from the flashing red light northwest of Lowell Point – Open Monday through Thursday, October 1 through January 14 unless otherwise provided.

(2) Area 26A – Open Monday through Thursday, October 1 through January 14.

(3) Areas 24B, that portion of 24C south of a line projected due west from the flashing red light northwest of Lowell Point, and 26A – Open Monday and Wednesday, January 15 until the in-season quota is taken but not beyond May 15 in any case.

((3))) (4) Area 20A – Open March 1 through April 14.

((4))) (5) In any area at any time so designated by a permit issued by the director of the department of fisheries.

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

WAC 220-48-025 SET NET—PACIFIC COD—GEAR. ((1) It is lawful to take, fish for and possess Pacific cod with the following set net gear:

(a) Maximum three nets per vessel, each net having a length not to exceed 600 feet.

(b) Net mesh must not be less than 5 inches.

(c) Net depth must not exceed 29 meshes.

(2) Pacific cod set net tags, issued by the department of fisheries for the current year, must be affixed to buoys on each end of each net.)) Pacific cod set net gear may not be used in Puget Sound.

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

WAC 220-48-026 SET NET—PACIFIC COD—SEASONS. It is unlawful to ((take,)) fish for ((and)) or possess Pacific cod ((and other species of bottomfish taken with Pacific cod set net gear for commercial purposes except in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 25C east of a line from Twin Spits to the Port Gamble Mill Stack, and all of Catch Reporting Area 25D from February 1 through April 14. It is unlawful to take or possess halibut, salmon)), other foodfish, or shellfish taken with Pacific cod set net gear in any Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area the entire year.

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

~~WAC 220-48-027 SET NET—PACIFIC COD—LOGBOOKS. ((It is unlawful for any operator of Pacific cod set net gear to fail to obtain and accurately maintain the appropriate harvest log available from the department. The harvest log must be kept aboard the vessel while the vessel is engaged in harvest or has commercial caught bottomfish aboard. The vessel operator must submit the log for inspection upon request by authorized department representatives. Vessel operators shall record the vessel registration number, and, for each date and ground fished, the number and length of nets, mesh and thread size of nets, hours fished, and number and estimated weight of each species caught, including discards. The department's copy of the completed harvest log must be submitted to the department for each calendar month in which fishing activity occurs. Department copies must be received within ten days following any calendar month in which fishing activity occurred and by the tenth day following the termination of commercial fishing activity, whichever occurs first.)) Pacific cod set net gear may not be used in Puget Sound.~~

AMENDATORY SECTION (Amending Order 82-215, filed 12/1/82, effective 1/1/83)

~~WAC 220-48-032 SET LINE—SEASONS. It is lawful to take, fish for, and possess dogfish and other bottomfish with set lines in all Marine Fish—Shellfish Management and Catch Reporting Areas the entire year except as follows:~~

(1) That portion of Area 26C north of a line projected due east from Point Bolin ((on)) to Bainbridge Island is closed all year.

(2) That portion of Area 26D south of lines projected due west of point Dalco on Vashon Island, and from Dash Point to Point Piner on Maury Island, is closed all year.

(3) That portion of Area 28A east of a line projected due north from the northwest tip of Fox Island, and north of a line projected due east from Fox Point on Fox Island is closed all year.

(4) Those waters provided for in WAC 220-20-010(6) and 220-20-020(4).

REPEALER

The following sections of the Washington Administrative Code are repealed:

~~WAC 220-48-046 COMMERCIAL JIG—LOGBOOKS.~~

~~WAC 220-48-056 TROLL LINES—BOTTOM-FISH—LOGBOOKS.~~

Chapter 220-87 WAC
PUGET SOUND WHITING

WAC

220-87-010	Puget Sound whiting endorsement validation procedure.
220-87-020	Puget Sound whiting endorsement—Transfer.

NEW SECTION

WAC 220-87-010 PUGET SOUND WHITING ENDORSEMENT VALIDATION PROCEDURE. (1) A Puget Sound whiting endorsement for the current year will be issued to a natural person who meets the following qualifications:

(a) Is the possessor of a valid trawl license.
(b) Submits proof of landing as required by RCW 75.30.170.

(c) Submits proof of ownership or lease, as of January 1, 1986, of an otter trawl vessel and otter trawl net, which may be either a pelagic trawl net or a bottom trawl net.

(2) The possessor of the Puget Sound whiting endorsement must be aboard the vessel at all times while the vessel is fishing for whiting or has whiting aboard, except during unloading.

(3) Only a natural person may obtain a yearly Puget Sound whiting endorsement. A corporation or partnership that meets the qualifications in subsection (1) of this section may designate one natural person to receive the endorsement. The designation is irrevocable.

(4) The Puget Sound whiting endorsement is valid for one person and one vessel. An individual may not possess more than one endorsement.

NEW SECTION

WAC 220-87-020 PUGET SOUND WHITING ENDORSEMENT—TRANSFER. (1) A person may transfer a Puget Sound whiting endorsement to that person's spouse or natural or step-child only. The person making the transfer is required to show proof of the relationship. Acceptable proof is a marriage certificate, birth certificate, or decree of adoption. A Puget Sound whiting endorsement will only be transferred to a person who has a valid trawl license, and transfer must be documented at the department's licensing division.

(2) A person may transfer a Puget Sound whiting endorsement from one vessel to another vessel by making application at the department's licensing division for a transfer of the person's trawl license from the first vessel to the second vessel, and informing the licensing division, in writing, that the person is additionally transferring the Puget Sound whiting endorsement. In the case of an individual having more than one trawl license, the transfer of the Puget Sound whiting endorsement from one vessel to a second vessel will be made in substantially the same form as if a trawl license was being transferred.

WSR 87-04-004
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-02—Filed January 22, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the

public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency in this rule is intended to prevent wastage of sea cucumbers during the period of low body weight, and is an emergency regulation until the permanent regulation takes effect.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 22, 1987.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-52-07200A SEA CUCUMBERS—AREAS AND SEASONS. Effective January 23, 1987, until further notice, it is unlawful to fish for or possess sea cucumbers taken for commercial purposes from any Marine Fish-Shellfish Management and Catch Reporting Area.

WSR 87-04-005
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD
[Memorandum—January 23, 1987]

The next regular meeting of the Public Works Board will begin at 8:30 a.m. on Wednesday, February 11, 1987. The meeting will be held at the Sea-Tac Red Lion Inn, Seattle, Washington.

WSR 87-04-006
ADOPTED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
[Order 86-49—Filed January 23, 1987]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to assessment for supplemental pension fund, WAC 296-17-920.

This action is taken pursuant to Notice No. WSR 86-23-054 filed with the code reviser on November 19, 1987 [1986]. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 51.04.020 and 51.32.073 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 23, 1987.

By Richard A. Davis
Director

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

WAC 296-17-920 ASSESSMENT FOR SUPPLEMENTAL PENSION FUND. The amount of ((20.9)) 18.5 mills (((\$.0209))) (\$.0185) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. Provided that in classifications 6707 and 7102, the employer shall retain ((sixteen)) fifteen cents per day from each worker and in classification 6708 the employer shall retain ((2.4)) 1.8 mills (((\$.0021))) (\$.0018) per hour to be reported for premium calculation under WAC 296-17-350(8) from each worker. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

WSR 87-04-007
ADOPTED RULES
DEPARTMENT OF COMMUNITY DEVELOPMENT
[Order 87-02—Filed January 23, 1987]

I, Chuck Clarke, deputy director of the Department of Community Development, do promulgate and adopt at the Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington, the annexed rules relating to the early childhood education and assistance program, chapter 365-170 WAC.

New	WAC 365-170-010	Authority.
New	WAC 365-170-020	Purpose.
New	WAC 365-170-030	Definitions.
New	WAC 365-170-040	Contractor funding.
New	WAC 365-170-050	Applicant eligibility criteria.
New	WAC 365-170-060	Application process.
New	WAC 365-170-070	Award of contracts.
New	WAC 365-170-080	Client eligibility criteria.
New	WAC 365-170-090	Program design.
New	WAC 365-170-100	Administrative component.

This action is taken pursuant to Notice No. WSR 86-20-063 filed with the code reviser on September 30, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Community Development as authorized in RCW 43.63A.060 and chapter 34.04 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 22, 1987.

By Chuck Clarke
Deputy Director

**Chapter 365-170 WAC
STATE FUNDING FOR LOCAL EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAMS**

WAC

365-170-010	Authority.
365-170-020	Purpose.
365-170-030	Definitions.
365-170-040	Contractor funding.
365-170-050	Eligibility criteria for applicants.
365-170-060	Application process.
365-170-070	Award of contracts.
365-170-080	Eligibility criteria for clients.
365-170-090	Program design.
365-170-100	Administrative component.

NEW SECTION

WAC 365-170-010 AUTHORITY. These rules are adopted under the authority of RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature. The program which these rules are designed to implement is found in chapter 418, Laws of 1985.

NEW SECTION

WAC 365-170-020 PURPOSE. The purpose of this chapter is to set forth the conditions and procedures under which state funding will be made available to assist local early childhood education and assistance programs.

NEW SECTION

WAC 365-170-030 DEFINITIONS. (1) "Applicant" means a public or private nonsectarian organization which applies for state early childhood education and assistance program assistance.

(2) "At risk" means children residing in low income families who are by virtue of their socio-economic status at risk of failure in the common school system.

(3) "Contract year" means the period July 1 through June 30 in which the program must operate.

(4) "Department" means the department of community development.

(5) "Direct service" means any educational, health or social service for children which is designed to meet the program standards.

(6) "Director" means the director of the department of community development.

(7) "Early childhood education and assistance program" means the state-wide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local early childhood education and assistance programs.

(8) "Family" means all persons living in the same household who are (a) supported by the income of the parent(s) or guardian(s) of the child enrolling in the early childhood education and assistance program, and (b) related to the parent(s) or guardian(s) by blood, marriage, or adoption.

(9) "Contractor" means an applicant which has been awarded state funds under the early childhood education and assistance program, and which has entered into a contract with the department of community development to provide an early childhood education and assistance program. Contractors may be local public or private organizations which are nonsectarian in their delivery of services.

(10) "Like educational services" means programs funded by other sources that provide children with a learning environment and a varied experience which helps them develop socially, intellectually, physically, and emotionally in a developmentally appropriate manner toward an overall goal of social and educational competence.

(11) "Low income" means a family whose total income before taxes for the twelve months prior to the enrollment of their child in the early childhood education and assistance program is equal to, or less than, federally established poverty guidelines as defined by the office of management and budget.

(12) "Nonsectarian" means that no aspect of early childhood education and assistance services will include any religious orientation.

NEW SECTION

WAC 365-170-040 CONTRACTOR FUNDING. The legislature determines the amount of funding available to award state-wide to early childhood education and assistance programs.

(1) Five percent of the total funds shall be used by the department for staff development funds for local programs, longitudinal studies of participants and control groups, and unique costs associated with the start up of new programs.

(2) Five percent of the total funds shall be used by the department to administer, provide technical assistance, and monitor the local early childhood education and assistance programs.

(3) Up to sixty percent of the remaining funds shall be made available to successfully competitive programs in counties where twenty percent or fewer of the children

found eligible to receive program services are being served.

(4) At least forty percent of the funds shall be made available to successfully competitive programs in counties where more than twenty percent of the eligible children are being served.

NEW SECTION

WAC 365-170-050 ELIGIBILITY CRITERIA FOR APPLICANTS. (1) Public or private nonsectarian organizations are eligible to apply for funding as an early childhood education and assistance program.

(2) Organizations along the Washington border in Idaho and Oregon who propose to serve children in Washington state are eligible to apply for funding.

(3) A consortium of organizations are eligible to apply.

(4) Organizations must have established appropriate internal fiscal controls and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds provided.

(5) Using a form provided by the department, organizations must obtain acknowledgement of their application from local school districts within the proposed service area.

(6) Programs shall neither deny service to, nor otherwise discriminate in the delivery of services against, any person who otherwise meets the eligibility criteria for the program on the basis of race, color, religion, sex, age, national origin, citizenship, ancestry, physical or mental handicap or because such person is a recipient of federal, state, or local public assistance.

NEW SECTION

WAC 365-170-060 APPLICATION PROCESS.

(1) Funds shall be awarded on a competitive basis.

(2) An applicant must make formal response using forms issued and procedures established by the department.

(3) A rating team will review and rank the proposals and shall be composed of persons with expertise in early childhood education and program and fiscal management experience.

(4) The department shall have the final discretion to award funds.

(5) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

NEW SECTION

WAC 365-170-070 AWARD OF CONTRACTS.

(1) Awards shall not exceed a level of two thousand seven hundred dollars per child enrolled in the program.

(2) Department funds may not supplant other existing funding sources.

(3) Administrative costs under this program are limited to fifteen percent of the total award.

NEW SECTION

WAC 365-170-080 ELIGIBILITY CRITERIA FOR CLIENTS. (1) A child must be four years old by August 31 of the contract year.

(2) A child must be a member of a household with income at or below the federally established poverty level for the twelve months preceding enrollment.

(3) A child may not otherwise be a participant in a federal or state program providing like educational services.

(4) As many as ten percent of the available funded enrollment slots may be filled by "environmentally at risk" children who are eligible according to one or more of the following criteria:

(a) Developmentally handicapped as defined by OSPI WAC criteria;

(b) Served by other state or federal programs; and/or

(c) Reside in a family which does not meet federal poverty standards.

(5) Participants in the early childhood education and assistance program will not be charged fees for any services provided.

NEW SECTION

WAC 365-170-090 PROGRAM DESIGN. Standards for program design are based on a model of comprehensive services to participating children. These include educational services, health services (including medical, dental, nutrition, and mental health), and social services to families. Parents shall be given the opportunity to be involved in every aspect of the planning and implementation of services. Specific program requirements are contained in the program standards publication available from the department.

(1) Education component:

(a) Activities in the classroom, home visits, and group experiences will be planned and implemented to ensure that a supportive social and emotional climate exists, intellectual skills are developed, and physical growth is promoted.

(b) Activities in the classroom, home visits, or group experience will be individualized through the development of a curriculum which is developmentally appropriate and is relevant to and reflective of the needs of the population served.

(c) At a minimum, when the majority of the children speak a common language other than English, at least one teacher or aide who speaks their language must be available when children participate in classroom or group experiences.

(d) There will be a mental health professional to advise and assist in developmental screenings and assessments and observe children in the classroom setting and consult with teachers and other appropriate staff at least twice a year.

(e) Health (medical and dental) activities and practices are integrated into daily classroom and home visit activities.

(f) Meals and snack periods will be scheduled appropriately to meet childrens' needs.

(g) The program will provide methods for enhancing the knowledge and understanding of both staff and parents of the educational and developmental needs and activities of children in the program.

(h) Staff and parents participating in the program shall be trained for and will use positive techniques of guidance, including redirection, anticipation, elimination of potential problems, positive reinforcement and encouragement. During program time staff and parents will not use corporal punishment or other humiliating or frightening discipline techniques.

(2) Health component:

(a) There will be a health advisory committee composed of local medical, dental, and nutrition providers, program parents and staff to advise in program planning, implementing, and evaluating program procedures and operations for medical, dental, mental health, and nutrition services. Existing committees may be modified or combined to carry out these activities.

(b) There will be informed prior written parent consent prior to the provision of any health (medical, dental, nutrition, or mental health) services.

(c) The program will provide for an organized health education program for staff, parents, and children.

(d) Food will be provided which will help meet a portion of the child's daily nutritional needs, recognizing individual differences and cultural patterns.

(e) Programs will participate in the United States Department of Agriculture Child Food and Nutrition Program.

(f) Food preparation service operations will comply with applicable local, state, and federal sanitation laws and regulations for storage, preparation, and service of food and health of food handlers.

(g) The program will have available a qualified nutritionist to provide regular or periodic supervision of the food services operation.

(3) Social services component:

(a) Age and income-eligible children will be recruited for enrollment taking into account the demographic make-up of the community and the needs of the children and families according to approved written recruitment procedures that address both the identification of age and income-eligible children and local priorities within that same population.

(b) Needs will be assessed to assist families in identifying and using appropriate and available community resources.

(c) Programs will coordinate with existing community resources, including existing head start and other preschool programs.

(4) Parent involvement component:

(a) The program will provide for parental involvement at a level not less than that provided under the federal head start program criteria.

(b) The program will install a policy council composed of parents of children who are enrolled in the program, at a level not less than fifty percent and community representatives.

(c) A policy committee will be formed at the subcontractor level only if all program functions are subcontracted to another organization.

(d) Center committees will be established in each center composed of parents of enrolled children.

NEW SECTION

WAC 365-170-100 ADMINISTRATIVE COMPONENT. Services to children and their families will be delivered through one or more of the following options:

(1) Center base option: Children will participate in center activities ten or more hours per week distributed over three or more days. One and one-half hours of contact between parents and staff will be completed each month. At least two education-related home visits to families will be completed during the year. Classroom size will not exceed eighteen children with an adult:child ratio of 1:6. Based on unique local circumstances programs may submit a request for waiver of classroom size and adult:child ratio requirements to the department.

(2) Home base option: Children will participate in weekly group experiences not to exceed four hours per session. Families will receive weekly one and one-half hour home visits. The case load for home visitors will not exceed twelve children. The adult:child ratio for group experiences will not exceed 1:6.

(3) Locally designed option: Local programs may elect to design and propose other program options which would better meet the needs of individual children and families in their communities. A proposal for a locally designed option must: Contain rationale as to why the center based and home based options presented above would not be practicable; must represent a more effective approach to meeting the needs of children in the specific community; be consistent with sound child development practices; and be consistent with described standards to ensure that all components of the early childhood education and assistance program are delivered. The department will determine whether the proposal for a locally designed option is acceptable on a case-by-case basis.

(4) Staff qualifications: Lead teachers in every classroom of children in a center base program will have one or more of the following credentials: An associate of arts degree in early childhood education with a minimum of two years of post-degree experience working in a preschool or kindergarten, or a baccalaureate degree in early childhood education or child development with a minimum of one year of post-degree experience working in a preschool or kindergarten. A lead teacher should have some experience working with families of low income.

(5) Home base teachers or family educators will have one or more of the following credentials: An associate of arts degree in human services and two years of experience or a baccalaureate degree in adult education or development, social work or psychology and one year of experience. All experience must be pertinent to direct involvement with families of low income.

(6) Organizations may submit a request to the department to waive the above staff qualifications which must include a narrative justifying the local labor pool shortage.

(7) Staff will receive preemployment physical examinations, tuberculosis tests, and evaluation of any infection. Regular volunteers will be tested for tuberculosis.

(8) Facility:

(a) Facilities will provide for a physical environment conducive to learning and reflective of the needs of children.

(b) Facilities will comply with an annual fire, health, and safety inspection by local officials.

(c) The outdoor play area of the facility will be fenced to prevent children from leaving the premises.

(d) The facility will contain a minimum of thirty-five square feet of indoor space per child available for the care of children (exclusive of bathroom, hall, kitchen, and storage). There will be a minimum of seventy-five square feet per child outdoors.

(e) Adequate provision will be made to ensure the facility provides for accessibility, safety, and comfort of handicapped children.

(9) Transportation:

(a) Vehicles owned and/or operated by the program for the purposes of transporting children to and from program activities will meet safety standards as set forth by the office of the superintendent of public instruction or the department of health and human services and will comply with annual safety inspections.

(b) Drivers of personal vehicles used to transport children to and from program activities must maintain adequate insurance coverage and carry a current driver's license. Drivers operating vehicles transporting six or more children will have an intermediate endorsement on their driver's license.

(10) Suspected abuse:

Suspected incidents of child abuse and/or neglect by parents, staff, or others must be reported by program staff within forty-eight hours to an appropriate law enforcement agency or the department of social and health services in accordance with RCW 26.44.030.

**WSR 87-04-008
ADOPTED RULES
HOSPITAL COMMISSION**

[Order 87-01, Resolution No. 87-01—Filed January 23, 1987]

Be it resolved by the Washington State Hospital Commission, acting at the Vance Airport Inn, Seattle, Washington, that it does adopt the annexed rules relating to rules for reporting hospital patient discharge information, amending chapter 261-50 WAC.

This action is taken pursuant to Notice No. WSR 87-01-053 filed with the code reviser on December 16, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 70.39 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 22, 1987.

By Maurice A. Click
Executive Director

AMENDATORY SECTION (Amending Order 86-03, Resolution No. 86-03, filed 7/1/86)

WAC 261-50-030 REPORTING OF UB-82 DATA SET INFORMATION. (1) Effective with all hospital patient discharges on or after July 1, 1984, hospitals shall collect and report the following UB-82 data set elements to the commission: ((~~References to: "Len" means location on the UB-82 billing form; "Type" means (A)lpha, (N)umeric, or (D)ate; "Just" means justification, either (R)ight or (L)eft; "Size" means size of the field in bytes.~~))

(a) ((~~Len=3~~)) Patient Control Number ((~~Type=A Just=L Size=17~~))

Patient's unique alpha-numeric number assigned by the hospital to facilitate retrieval of individual patient records and posting of payments. This number should be constructed to allow prompt hospital access to the patient's discharge record for data verification. ((~~Example "235198-001" or "345873."~~))

(b) ((~~Len=4~~)) Type of Bill ((~~Type=A Size=3~~))

This three-digit code requires 1 digit each, in the following sequence form: Type of facility, Bill Classification, Frequency.

Digit #1 must be "1" to indicate a hospital.

Digit #2 must be a "1" or a "2" to indicate an inpatient.

Digit #3 must be one of the following:

- 1 – Admit through discharge claim
- ((2 – Interim – first claim))
- 3 – Interim – continuing claim
- 4 – Interim – last claim
- 5 – Late charge(s) only
- 6 – Adjustment of prior claim
- 7 – Replacement of prior claim
- 8 – Void/Cancel of a prior claim

~~Example: "111" or "114."~~))

(c) ((~~Len=7~~)) Medicare Provider Number ((~~Type=A Just=L Size=6~~))

This is the number assigned to the provider by Medicare. ((~~Example: "020888." Note: Dashes are excluded. On hardcopy of the UB-82 billing form, the dash may be included. Example: "02-0888."~~))

(d) ((~~Len=10~~)) Patient Identifier ((~~Type=A Just=L Size=10~~))

~~This field may be developed manually and entered in location 10 on the UB-82 for hardcopy submittal (basic service hospitals). For magnetic tape or diskette submittal, programming will be required to generate the composite variable and place it in the required record layout.) The patient identifier shall be composed of the first two letters of the patient's last name, the first two~~

letters of the patient's first name, or one or two initials if no first name is available, and the patient's birthdate.

(e) ((Len=11)) Zipcode ((Type=A Just=L Size=9)) Patient's five or nine digit zipcode. ((If 9 digits are used the zipcode is provided in xxxxxxxxx format (no hyphen). Example: "98102" or "981023452." On hardcopy of the UB-82 billing form, this value may be indicated with a hyphen.)) In the case of a foreign country, enter the first nine characters of the name.

(f) ((Len=12)) Birthdate ((Type=N Size=6)) The patient's date of birth in MMDDYY format. ((Example: "062424" or "122292.")) Note: If the patient is over 100 years old at the date of admission, then "17" must be the value in the "Condition Code #1" field. ((On hardcopy of the UB-82 billing form, this value may be indicated in MM-DD-YY format.))

(g) ((Len=13)) Sex ((Type=A Size=1)) Patient's sex in M/F format. ((Example: "M" or "F."))

(h) ((Len=15)) Admission Date ((Type=D Size=6)) Admission Date in MMDDYY format. ((Example: "030284" or "120883.")) On hardcopy of the UB-82 billing form, this value may be indicated with hyphens. Example: "12-08-83."))

(i) ((Len=17)) Type of Admission ((Type=A Size=1))

This field is filled with one of the following codes:

- 1 Emergency
- 2 Urgent
- 3 Elective
- 4 Newborn
- 5 Other

((Example: "1" or "3."))

(j) ((Len=18)) Source of Admission ((Type=A Size=1))

This field is completed with one of the following codes:

- 1 Physician referral
- 2 Clinic referral
- 3 HMO referral
- 4 Transfer from another hospital
- 5 Transfer from a SNF
- 6 Transfer from another HCF
- 7 Emergency room
- 8 Court/law enforcement
- 9 Other

((Example "1" or "4."))

(k) ((Len=21)) Patient Status ((Type=A Size=2))

Patient discharge disposition in one of the following codes:

- 01 Discharged home
- 02 Discharged to another short-term general hospital
- 03 Discharged to SNF
- 04 Discharged to an ICF
- 05 Discharged to another type institution
- 06 Discharged to home under care of HHA
- 07 Left against medical advice
- 20 Expired
- (30 Still patient

Example: "01," "02" or "06.")

(l) ((Len=22)) Statement Covers Period ((Type=D Size=12))

This is the beginning and ending dates for which the UB-82 covers. ((This should be provided in the following format: MMDDYY-MMDDYY. Example: "080183081083" or "122283122583." On hardcopy of the UB-82 billing form, dashes may be included in the dates. Example: "08-01-83 08-10-83."))

Chapter 261-50 WAC

(m) ((Len=35)) Condition Code #1 ((Type=A Size=2))

If a patient is equal to or over 100 years old at the time of admission, the value "17" must be the value of this field.

(n) ((Len=51)) Revenue Code ((Type=N Just=R Size=3))

The Medicare required revenue code (as defined in the UB-82 Procedures Manual), which identifies a specific accommodation, ancillary service or billing calculation. Effective January 1, 1987.

(o) ((Len=52)) Units of Service ((Type=N Just=R Size=3))

The Medicare required units of service (as defined in the UB-82 Procedures Manual) which provide a quantitative measure of services rendered by revenue category to or for the patient. Where no units of service are required by Medicare, the units of service may be those used by the hospital. Effective January 1, 1987.

(p) ((Len=53)) Total Charges by Revenue Code Category ((Type=N Just=R Size=9))

Total charges pertaining to the related revenue code. ((Reported in xxxxxxxxx format, where the last two digits are cents and no decimal point is shown.)) Effective January 1, 1987.

(q) ((Len=53 Total Charges Type=N Just=R Size=9))

Total Charges for Revenue Code 001 in xxxxxxxxx format, where the last two digits are cents and no decimal point is shown. Example: "367287" or "1223398."

(r) Len=57A)) Payer Identification #1 ((Type=A Just=L Size=3))

Data should be entered in the following format "XXXxxxxxx..." where XXX equals a required 3-digit numeric identification code, and xxx equals a supporting written description (not required.)) Enter the three-digit code that identifies the primary payer. The required code options include:

- 001 for Medicare
- 002 for Medicaid
- 004 for health maintenance organizations
- 006 for commercial insurance
- 008 for labor and industries
- 009 for self pay
- 610 for health care service contractors, e.g., Blue Cross, county medical bureaus, Washington Physicians Service
- 625 for other sponsored patients, e.g., CHAMPUS, Indian health
- 630 charity care, as defined in WAC 261-14-020(5)

((Examples: "001," or "002." Note: The first three digits of this field must be filled.)

(s) Len=57B)) (r) Payer Identification #2 ((Type=A Just=L Size=3))

Same requirements as in Payer Identification #1. This field should only be completed when a secondary payer has been identified.

((t) Lcn=77) (s) Principal Diagnosis Code ((Type=A Just=L Size=6))

ICD9-CM Code describing the principal diagnosis (the condition established after study to be chiefly responsible or causing the hospitalization) that exists at time of admission. ((Example: "0539," or "23452." Note: Leading zeros are included and decimals are excluded.)

(u) Lcn=78) (t) Diagnosis #2 Code ((Type=A Just=L Size=6))

ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay. ((Example: "0539," or "23452." Note: Leading zeros are included and decimals are excluded.)

(v) Lcn=79) (u) Diagnosis #3 Code ((Type=A Just=L Size=6))

ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay. ((Example: "0539," or "23452." Note: Leading zeros are included and decimals are excluded.)

(w) Lcn=80) (v) Diagnosis #4 Code ((Type=A Just=L Size=6))

ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay. ((Example: "0539," or "23452." Note: Leading zeros are included and decimals are excluded.)

(x) Lcn=81) (w) Diagnosis #5 Code ((Type=A Just=L Size=6))

ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay. ((Example: "0539," or "23452." Note: Leading zeros are included and decimals are excluded.)

(y) Lcn=84) (x) Principal Procedure Code ((Type=A Just=L Size=5))

The ICD9-CM Code that identifies the principal procedure performed during the patient admission. ((Example: "100" or "0101." Note: Leading zeros are included and decimals are excluded.)

(z) Lcn=85) (y) Procedure #2 Code ((Type=A Just=L Size=5))

Secondary procedure code identifying procedures, other than the principal procedure, performed during the admission. ((Note: Leading zeros are included and decimals are excluded.)

(aa) Lcn=86) (z) Procedure #3 Code ((Type=A Just=L Size=5))

Secondary procedure code identifying procedures, other than the principal procedure, performed during the admission. ((Note: Leading zeros are included and decimals are excluded.)

((bb) Lcn=92) (aa) Attending Physician ID ((Type=A Just=L Size=22))

The Medicaid assigned number of the licensed physician who would normally be expected to certify and recertify the medical necessity of the services rendered and/or who has primary responsibility for the patient's medical care and treatment. For physicians who do not have a Medicaid number assigned, the state license number should be used. Effective January 1, 1987.

((cc) Lcn=93) (bb) Other Physician ID ((Type=A Just=L Size=22))

The Medicaid assigned number of the licensed physician who performed the principal procedure. For physicians who do not have a Medicaid number, the state license number should be used. If no principal procedure was performed, this field should be left blank. Effective January 1, 1987.

(2) ((The patient identifier reported pursuant to WAC 261-50-030 (1)(d) shall be composed of the last two letters of the patient's last name, the last two letters of the patient's first name, or one or two initials if no first name is available, and the patient's birthdate in MMDDYY format, i.e., 060650, and shall be entered in field 4 on the record layout and in location 10 on the UB-82 billing form. For example, John Doe, born on January 2, 1948, would be coded: OEHN010248. This data element is required for all hospital patient discharges on or after January 1, 1985. In situations where no first name or initials are available, e.g. a newborn without a first name, the last two letters of the patient's last name shall be followed by 2 blank spaces, followed by the patient's birthdate.)

(3))) It shall be the responsibility of each hospital to ensure that data reported pursuant to WAC 261-50-030(1) is provided for all patient discharges. Each patient discharge must carry a separate, unique patient control number on a separate UB-82 record. For example, a mother and her newborn require separate UB-82s, each with a separate, unique patient control number.

AMENDATORY SECTION (Amending Order 86-03, Resolution No. 86-03, filed 7/1/86)

WAC 261-50-040 ACCEPTABLE MEDIA FOR SUBMISSION OF DATA. ((The following is effective through December 31, 1986. For purposes of the data collected and reported pursuant to WAC 261-50-030, hospitals may submit such data on the following media:

(1) Hardcopy of the UB-82 billing form or a form prescribed by the commission for all patient discharges from hospitals which are classified as "basic service" hospitals;

(2) Magnetic floppy diskette (5 1/4 inch) formatted in PC-DOS 2.0 or Microsoft Disk Operating System (MS-DOS) version 2.0, with a record length of 256 bytes and external identification specifying:

(a) Hospital name;

(b) Patient discharge period (MMDDYY to MMDDYY);

(c) The number of 256 byte records each diskette contains.

(3) Magnetic tape with the following physical specifications as well as external identification setting forth such specifications:

(a) 1600 bytes per inch;

- (b) EBCDIC data representation codes;
- (c) Block length 6400, (25 records of 256 bytes);
- (d) Unlabeled;
- (e) Nine track;
- (f) Hospital name;
- (g) Patient discharge period (MMDDYY to MMDDYY);)

The following is effective January 1, 1987. For purposes of the data collected and reported pursuant to WAC 261-50-030, hospitals shall submit such data in such form as prescribed by the commission in the Procedure Manual for Submitting Discharge Data.

AMENDATORY SECTION (Amending Order 84-06, Resolution No. 84-06, filed 10/1/84)

WAC 261-50-050 TIME DEADLINE FOR SUBMISSION OF DATA. Data collected by hospitals pursuant to WAC 261-50-030 shall be submitted to the commission or its designee ((by the following dates:

- ((1) For data submitted on hardcopy in accordance with the provisions of WAC 261-50-040(1), within forty-five days following the end of each calendar month;
- ((2) Otherwise;)) within forty-five days following the end of ((every three-month)) each calendar ((period)) month commencing with ((July 1, 1984)) January 1, 1987.

AMENDATORY SECTION (Amending Order 84-06, Resolution No. 84-06, filed 10/1/84)

WAC 261-50-060 EDITS TO DATA. The commission or its designee shall subject the data submitted to the commission pursuant to WAC 261-50-030 to the following set of edits:

- (1) Record layout compatibility edits on data submitted in accordance with WAC 261-50-040((1) and 261-50-045)); and
- (2) Verification of the data set elements set forth in WAC 261-50-030.

AMENDATORY SECTION (Amending Order 86-03, Resolution No. 86-03, filed 7/1/86)

WAC 261-50-090 PENALTIES FOR VIOLATION. RCW 70.39.200 provides that every person who shall violate or knowingly aid and abet the violation of chapter 70.39 RCW or any valid orders, rules, or regulations thereunder, or who fails to perform any act which that chapter makes it his/her duty to perform shall be guilty of misdemeanor. Following official notice to the accused by the commission of the existence of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of chapter 70.39 RCW may be enjoined from continuing such violation. Failure to file the information required by WAC 261-50-030, 261-50-040, ((261-50-045)) and 261-50-065 shall constitute a violation, and the commission may levy a civil penalty not to exceed one hundred dollars per day for each day following official notice of violation by the commission. The executive director of the commission may grant extensions of time to file the information, in which cases failure to file the

information shall not constitute a violation until the extension period has expired.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 261-50-045 MAGNETIC DISKETTE AND TAPE RECORD LAYOUT.

WSR 87-04-009

NOTICE OF PUBLIC MEETINGS EDMONDS COMMUNITY COLLEGE

[Memorandum—January 23, 1987]

January 29, 1987
Thursday, 4:00 p.m.
Board of Trustees Meeting
Lynnwood Hall, Room 424

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided when adequate notice is given.

WSR 87-04-010

PROPOSED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed January 23, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Food stamps—Overpayments, amending WAC 388-54-850;

that the agency will at 10:00 a.m., Tuesday, March 10, 1987, in the Auditorium, OB-2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 11, 1987.

The authority under which these rules are proposed is RCW 74.04.510.

The specific statute these rules are intended to implement is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 10, 1987.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Leslie F. James, Director
Administrative Services
Department of Social and Health Services
Mailstop OB 39
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, State Office Building #2, 12th

and Franklin, Olympia, WA, phone (206) 753-7015 by February 24, 1987. The meeting site is in a location which is barrier free.

Dated: January 22, 1987
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
Re: WAC 388-54-850.

Purpose of the Rule Change: To define the date of discovery (used to calculate any food stamp overissuance) as the month the overpayment is noted on the financial summary form.

Reason These Rules are Necessary: To comply with federal requirements (7 CFR 273.18) to define the date of discovery of an overissuance as the month the state agency discovers that a household received more benefits than it was entitled to receive.

Statutory Authority: RCW 74.04.510.

Summary of the Rule Change: The date of discovery (used to calculate any food stamp overissuance) shall be the month the overpayment is noted on the financial summary form.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Joan Wirth, Program Manager, Division of Income Assistance, Office of Assistance Programs, mailstop OB-31J, phone 234-4913 scan.

These rules are necessary to comply with food stamp program regulations in 7 CFR 273.18.

AMENDATORY SECTION (Amending Order 2420, filed 9/2/86)

WAC 388-54-850 OVERPAYMENTS. (1) Definitions of overpayments for which collection action may be taken.

(a) An administrative error overpayment is an overpayment caused solely by department action or failure to act when the household had properly and accurately reported all the household's circumstances to the department.

(b) An inadvertent household error overpayment is an overpayment caused by misunderstanding or unintended error on the part of the household.

(c) An intentional program violation overpayment is an overpayment which a court or an administrative decision determined was caused by fraud or intentional program violation.

(2) Households and household members against which the department can take collection action.

(a) All household members who were adult members of the household at the time an overpayment occurred shall be jointly and severally liable for the value of any overpayment of food stamps.

(b) The department shall establish an overpayment claim against any household that:

(i) Received more food stamp benefits than it was entitled to receive, or

(ii) Contains an adult member who was an adult member of another household that received more food stamp benefits than it was entitled to receive.

(3) Collection actions taken by the department.

(a) The department shall pursue collection action against any or all persons described in subsection (2)(a) of this section.

(b) If a change in household composition occurs, the department may pursue collection action against any household which has a member who was an adult member of the household that received the overpayment.

(c) The department shall not collect more than the amount of the overpayment.

(4) Amount of overpayment.

(a) When the department discovers an administrative error or inadvertent household error overpayment occurred in the prior twenty-four

months or discovers an intentional program violation in the prior seventy-two months, the department shall calculate the allotment the household should have been authorized. The date of discovery shall be the month the overpayment is ((calculated by completion of the food stamp claim determination report (DSHS 5-07)) noted on the financial summary form.

(i) If the household accurately and timely reports the household's circumstances and changes in circumstances to the department, the calculation shall be based on the day the household's circumstances were reported.

(ii) If the household did not accurately and timely report the household's circumstances and change of circumstances, the calculation shall be based on the household having accurately reported the household's circumstances to the department in the application or on the date the change of circumstances occurred.

(iii) Calculation shall be based on the department having given the household advance notice if such notice would have been required.

(b) The difference between the monthly allotment the household should have been authorized as calculated in subsection (3)(a) of this section and the monthly allotment actually authorized is the amount of the overpayment.

(5) Amount of a household's and/or household member's liability for an overpayment. The difference between the amount of the overpayment calculated in subsection (3)(b) of this section and any food stamp lost benefits incurred prior to writing a letter demanding repayment, which had not previously been restored or used as an offset, is the amount of a household's and/or a household member's liability for an overpayment.

(6) Demand letter. Prior to initiating recovery action, the department shall provide the household member a demand letter.

(7) Methods of recovery. A household or household member may repay an overpayment in a lump sum or sums, in regular installments under a payment schedule agreed upon by the household or member and the department, and/or through reductions in the food stamp allotment.

(a) Lump sum.

(i) A household member may pay all or part of his or her liability for an overpayment in a lump sum.

(ii) A household member may use food stamp coupons, money order, check, cash, or any combination thereof to make a lump-sum payment.

(b) Installments.

(i) A household member may use food stamp coupons, money order, check, cash, or any combination thereof to make installment payments.

(ii) If the full liability for the overpayment or overpayments cannot be paid through a lump sum or allotment reduction or reductions, and the remaining amount of liability cannot be repaid in full in installment payments in three years, then the department may compromise the claim by reducing the claim to an amount allowing the household to pay the claim in three years.

(iii) The minimum installment payment schedule the department will agree to with a currently participating household member liable for an overpayment caused by inadvertent household error or intentional program violation shall be not less than the amount that could be recovered through allotment reduction.

(iv) When an installment payment schedule has been agreed to by the household member and the department, the amount to be repaid each month shall be that agreed to regardless of subsequent changes in the household's monthly household allotment unless the parties renegotiate the payment schedule and agree on a new payment schedule.

(v) A household member and/or the department may request of the other party a payment schedule be renegotiated.

(A) The most recent agreed upon payment schedule shall remain in effect until the household member and the department agree to a different schedule.

(B) When a household member requests renegotiation and the department agrees the member's economic circumstances have changed enough to warrant a different schedule, the department shall offer a different schedule and/or consider any reasonable schedule the member offers.

(C) When a household member requests renegotiation and the department determines the member's economic circumstances have not changed enough to warrant a different schedule, the department shall inform the member of this determination and the most recently agreed upon schedule remains in effect.

(vi) When a household member agreeing to repay in installments fails to make a payment in accordance with the repayment schedule:

(A) The department shall give notice informing him or her:
 (I) No payment or an insufficient payment was received;
 (II) The household member may contact the department to discuss renegotiation of the payment schedule; and

(III) Unless the household member makes the overdue payment or payments or contacts the department to discuss renegotiation by a specified date, the allotment of a currently participating household will be reduced without additional notice of the overpayment being recovered.

(B) If the household member fails to make the overdue payments or request renegotiation of the payment schedule and the overpayment was caused by inadvertent household error or intentional program violation, the department shall reduce the food stamp allotment without additional notice.

(C) If the household member responds to the notice by making the overdue payments and wishes to continue the current payment schedule, the department shall permit him or her to do so.

(D) If the household member responds to the notice by requesting renegotiation of the payment schedule, the department shall consider the request.

(E) When the department determines agreement on a new repayment schedule cannot be reached and the overpayment was caused by inadvertent household error or intentional program violation, the department may invoke allotment reductions against a currently participating household.

(c) Reduction in food stamp allotment.

(i) Administrative error overpayment.

(A) For administrative error overpayments, the household member may repay through reduction in the food stamp allotment.

(B) The amount to be recovered each month through a reduction in allotment for an agency error overpayment shall be entirely up to the household member.

(ii) Inadvertent household error overpayment and intentional program violation overpayment. The department shall reduce a currently participating household's food stamp allotment to repay an inadvertent household error overpayment by the greater of ten percent of the household's monthly allotment or ten dollars per month and for an intentional program violation overpayment by the greater of twenty percent of the entitlement or ten dollars per month.

(A) If the household member and the department are negotiating in good-faith for an agreement to repay in installments, the department shall reduce the household's food stamp allotment only when the household member and the head of the household consent.

(B) If the household member and the department have made an agreement to repay in installments and the member has made each payment when due, the department shall reduce the household's food stamp allotment only when the household member and the head of the household consent.

(8) The department shall suspend collection action when:

(a) The department determines the household member is financially unable to pay the claim; or

(b) The department determines there is little likelihood the state can collect or enforce collection of any significant sum from the household member; or

(c) The department cannot locate a liable household member; or

(d) The department determines cost of further collection action is likely to exceed the amount that can be recovered.

(9) After the claim has been held in suspense for three years, the claim shall be terminated.

**WSR 87-04-011
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**
[Filed January 23, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to price lists for telecommunications companies, WAC 480-80-050, 480-120-027 and 480-80-041. (Cause No. U-86-125)

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 28, 1987.

The authority under which these rules are proposed is RCW 80.01.040 and 80.36.330.

The specific statute these rules are intended to implement is chapter 80.36 RCW, specifically RCW 80.36.330.

This notice is connected to and continues the matter in Notice No. WSR 86-22-070 filed with the code reviser's office on November 5, 1986.

Dated: January 23, 1987

By: Paul Curl
Acting Secretary

**WSR 87-04-012
ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Order R-272, Cause No. TV-2015—Filed January 23, 1987]

In the matter of amending WAC 480-12-210 relating to common and contract carrier equipment leasing.

This action is taken pursuant to Notice No. WSR 86-23-039 filed with the code reviser on November 17, 1986. The rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 86-23-039 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, January 21, 1987, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington, before Chairman Sharon L. Nelson and Commissioners Robert W. Bratton and Richard D. Casad.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to December 24, 1986, and reply comments were to be filed on or before January 14, 1987. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, January 21, 1987, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington.

At the January 21, 1987, meeting the commission considered the rule change proposal. Written comments were received from the Joint Council of Teamsters #28,

the Washington Movers Conference, LTI, Inc., and Better Home Deliveries, Inc. (BHD). Oral comments were received from Mary Sangster, Washington Trucking Association, Jack Davis, for the Joint Council, and Dick Sadler, for BHD.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-210 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-12-210 as amended will amend the equipment leasing rule to allow lease compensation to be based upon a division of revenue, and to require specificity in the manner in which revenues, expenses, and costs are allocated as between lessors and lessees.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-210 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 21st day of January, 1987.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Robert W. Bratton, Commissioner
Richard D. Casad, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-151, Cause No. TV-1373, filed 9/17/80)

WAC 480-12-210 LEASING. Other than equipment exchanged between motor common carriers in interchange service, as provided in WAC 480-12-155, common or contract carriers may perform common or contract transportation in or with equipment which they do not own only in accordance with this leasing rule. The arrangement for such equipment shall contain the provisions provided for in this rule and be prepared in the manner so provided, and the parties to the lease shall observe such provisions and manner of preparation. Any failure to so observe the provisions of the lease and/or the manner of preparation shall be a violation of this rule.

(1) Contract requirements.

The contract, lease, or other arrangement for the use of such equipment shall:

(a) Be made between the common or contract carrier and the owner of the equipment;

(b) Be in writing and signed by the parties thereto, or their regular employees or agents duly authorized to act for them in the execution of contracts, ((for)) leases, or other arrangements;

(c) Specify the period for which it applies which shall not be less than thirty days when the equipment is to be operated for the common or contract carrier by the owner, or by an employee of the owner: PROVIDED, That for good cause shown the commission may, by order, grant a waiver of this subdivision and of ((subdivision)) (e) of this subsection to the extent of permitting leases of less than thirty days duration in connection with equipment operated by the owner or by an employee of the owner;

(d) Provide for the exclusive possession, control and use of the equipment and for the complete assumption of responsibility in respect thereto by the lessee for the duration of said contract, lease, or other arrangement, except, however, in the case of long term leases providing for intermittent operations entered into between household goods carriers authorized for the intrastate transportation of household goods as defined by this commission, such provisions need only apply during the period the equipment is operated by or for the lessee. The lease shall be specific as to the responsibility of each party thereto as to fuel expense; all taxes related to equipment operation; permits of all types; tolls; ferry charges; detentions and accessorial services; base plates and licenses; tires; oil; parts; maintenance; empty miles; major and minor repairs; principal and interest on any loans secured by the equipment; property, liability, fire, theft, collision, and comprehensive insurance; and any other vehicle-related expense. All of the above expense items shall be specifically set forth and allocated between the lessor and lessee in the lease document.

Control of permit operations using the leased equipment must clearly reside with the lessee, and the manner in which the responsibility for expenses is allocated must clearly show such control. However, under any lease arrangement, the lessee shall assume full responsibility for compliance with all applicable safety rules and regulations pertaining to the operation of leased vehicles subject to this rule, and shall provide insurance as specified in WAC 480-12-350. In addition, the lessee shall bill and collect tariff charges;

(e) Provide that during the period of the lease, contract, or other arrangement the driver of the leased vehicle shall be to the lessee as servant to master and the driver shall be on the payroll of the lessee, and shall be paid by the lessee, except that in the case of a long term lease entered into by a common carrier of mobile homes, the driver may be the owner of the equipment or an employee of the owner;

(f) Specify the compensation to be paid by the lessee for the rental of the leased equipment((. Such compensation shall be a specified sum per period of time, i.e. per month, per week or a specified sum per period of time of time plus a specific sum per mile of use. The amount of compensation specified and accordingly paid shall not be based upon a division of revenue, except such method of compensation shall be permissible (i) between authorized carriers of household goods when the leased equipment is used for the transportation of household goods as defined by this commission and (ii) between an authorized common carrier of mobile homes and an owner of equipment under a long term lease));

(g) Specify the time and date or the circumstances on which the contract, lease, or other arrangement begins and the time or the circumstances on which it ends;

(h) Be executed in quadruplicate and submitted to the commission for approval. The approved original shall be retained by the common or contract carrier in whose service the equipment is to be operated, one approved copy shall be retained by the owner of the equipment, one approved copy shall be carried on the equipment specified therein during the entire period of the contract, lease or other arrangement[,] and one approved copy shall be retained in commission files, except that (i) a master lease agreement outlining in detail the leasing arrangements between specifically named parties may be filed for approval in lieu of separate leases in connection with each occurrence, and that (ii) leases covering transportation in interstate commerce need not be filed: PROVIDED, That leased equipment is not acquired and operated under the provisions of ((subdivision)) (i) of this subsection;

(i) Where the leased equipment is acquired and operated by the lessee on a long term lease pursuant to rules and regulations of the interstate commerce commission governing such a lease, and the operation of the leased equipment is primarily in interstate commerce not performed wholly within the bounds of this state, and the use of such equipment in intrastate commerce has an immediate prior and immediate subsequent movement in interstate commerce from or to points without this state, the operation of such equipment may be governed by rules and regulations of the interstate commerce commission governing such a lease, PROVIDED, That the total annual use in intrastate commerce does not exceed ((+5%)) fifteen percent as compared to its use in interstate commerce, and foregoing provisions of ((subdivisions)) (a), (b), (c), (d), (e), and (f) of this ((section)) subsection shall not apply. For purposes of this subdivision "immediate" shall mean there shall be no haul between the initial qualifying interstate movement and the intrastate haul nor between the intrastate haul and the subsequent interstate movement.

Common and contract carriers wishing to operate under the provisions of this subdivision shall apply to the commission for permission to do so, setting forth facts supporting the application.

(2) Identification.

The common or contract carrier acquiring the use of equipment under this rule shall properly and correctly identify the equipment as being operated by the lessee during the period of the lease, contract, or other arrangement, in accordance with the requirements of WAC 480-12-150.

If a removable device is used to identify the lessee as the operating carrier, such device shall be on durable material such as wood, plastic, or metal.

The common or contract carrier operating equipment under these rules shall remove any legend showing it as the operating carrier displayed on such equipment, and shall remove any removable device showing it as the operating carrier before relinquishing possession of the equipment.

(3) Rental of equipment to private carriers, shippers, contractors and combination-of-service-carriers.

(a) Unless such service is specified in their operating authorities, common or contract carriers shall not rent equipment with drivers to private carriers or shippers.

(b) Common or contract carriers shall not rent, contract or lease, or by other arrangement furnish, equipment without drivers to private carriers or shippers without first having obtained approval of the rental contract from this commission and, in this connection, the commission will examine the terms of the rental agreement and all facts and circumstances surrounding it to determine the effect of the lease insofar as established rates and operating authority is concerned.

(c) Dump trucks and logging trucks shall not be leased or rented by common or contract carriers to construction contractors, loggers, combination-of-service carriers or other parties engaged in logging and construction operations: PROVIDED (i) common or contract carrier dump truckers may enter into an arrangement involving rental or leasing of trucks to highway construction contractors who are required by state or federal law to submit certified payrolls((:)); (ii) such rental or lease arrangements must be filed with and approved by the commission; (iii) the total payments for and to the trucker under such rental or lease arrangements must be the equivalent of the charges which trucker would earn under applicable common carrier tariff rates; (iv) the contractor may not assess any charges against the carrier for accounting or bookkeeping expenses or make any deductions from rate charges earned which the common or contract carrier dump trucker is not legally liable to pay; (v) the common or contract carrier dump trucker must have the required permit authority for the territory and the commodities involved.

**WSR 87-04-013
EMERGENCY RULES
DEPARTMENT OF FISHERIES**
[Order 87-04—Filed January 23, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of sturgeon are available, and these rules are adopted pursuant to the Columbia River compact.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 23, 1987.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-32-02200S LAWFUL GEAR—SEASONS—STURGEON. Notwithstanding the provisions of WAC 220-32-022, WAC 220-32-030, WAC 220-32-031 and WAC 220-32-040, it is unlawful to take, fish for or possess sturgeon taken for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, or 1E except as provided for in this section:

(1) Lawful fishing periods are:

6:00 p.m. January 25 to 6:00 p.m. January 30
6:00 p.m. February 1 to 6:00 p.m. February 6, 1987

(2) It is unlawful to use gear other than single-wall, drift gill nets no more than 250 fathoms in length on which slackers, defined as a single piece of material or cord not webbing or mesh connected vertically or woven in the mesh of the net between the cork and lead line and used to tie the netting in a shortened state to give the net flexibility, may be used. The minimum mesh size is 9 inches measured from the inside of one knot to the outside of a diagnol knot stretched at no more than a 1 pound pull.

(3) It is unlawful to retain any sturgeon not of lawful size, as provided for in WAC 220-20-020, and all sturgeon in transit must not have head or tail removed.

(4) It is lawful to retain sturgeon for commercial purposes taken incidental to any lawful commercial salmon fishery.

(5) It is lawful to sell chinook salmon taken incidentally to sturgeon fishing during the periods in subsection (1) of this section.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 87-04-014
PROPOSED RULES
DEPARTMENT OF ECOLOGY**
[Filed January 26, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning the control of combined sewer overflows from municipal sewers. The rule will establish a procedure and criteria for implementing RCW 90.48.480 which requires "the greatest reasonable reduction of CSO's at the earliest possible date."

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 27, 1987.

The authority under which these rules are proposed is RCW 90.48.035 and 90.48.260.

The specific statute these rules are intended to implement is RCW 90.48.480 and 90.48.490.

This notice is connected to and continues the matter in Notice Nos. WSR 86-22-055 and 87-02-050 filed with the code reviser's office on November 5, 1986, and January 7, 1987.

Dated: January 26, 1987

By: Phillip C. Johnson
Deputy Director, Programs

WSR 87-04-015

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order PM 636—Filed January 26, 1987]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Second Floor Conference Room D, 1112 South Quince, Olympia, WA, the annexed rules relating to:

Amd WAC 308-171-030 Fees.

Amd WAC 308-171-040 License renewal registration date and fee.

This action is taken pursuant to Notice No. WSR 86-22-044 filed with the code reviser on November 3, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.59.110 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 19, 1987.

By Theresa Anna Aragon
Director

AMENDATORY SECTION (Amending Order PL 514, filed 2/22/85)

WAC 308-171-030 FEES. The following fees shall be charged by the professional ((licensing)) programs management division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Application fee – Occupational therapist	\$((30.00)) <u>60.00</u>
Application fee – Occupational therapy assistant	((20.00)) <u>40.00</u>
License renewal ((for one year)) – Occupational therapist	((30.00)) <u>60.00</u>

Title of Fee

<u>Title of Fee</u>	<u>Fee</u>
License renewal ((for one year)) – Occupational therapy assistant	((20.00)) 40.00
((License renewal for two years =))	<u>\$40.00</u>
Limited permit fee	<u>\$40.00</u>
Late renewal fee – Occupational therapist	60.00
((License renewal for two years =))	<u>60.00</u>
Late renewal fee – Occupational therapy assistant	40.00

AMENDATORY SECTION (Amending Order PL 514, filed 2/22/85)

WAC 308-171-040 LICENSE RENEWAL REGISTRATION DATE AND FEE. (1) Individuals making application for initial license, provided they meet the requirements for licensure in the state of Washington, will be issued a license to expire on their next birth anniversary date.

(2) ((For purposes of implementing a two-year staggered system of renewals:

(a) Every licensee whose birth anniversary date is on an even-numbered date shall renew his or her license on or before the licensee's birth anniversary date for a period of one year for the first renewal, and subsequent renewals shall be for a period of two years; and

(b) Every licensee whose birth anniversary date is on an odd-numbered date shall renew his or her license on or before the licensee's birth anniversary date for a period of two years for the first renewal, and subsequent renewals shall be for a period of two years)) Licenses shall be renewed upon a biennial basis on or before the licensee's birth anniversary date. Licenses not renewed on or before the licensee's biennial birth anniversary date shall expire immediately after the licensee's birth anniversary date and any practice engaged in with an expired license shall be deemed unlicensed practice.

(3) Limited permits shall expire in accordance with RCW 18.59.040(7).

law, and this revised rule is part of a required notice to employees.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the State Employees Insurance Board as authorized in chapter 41.05 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 26, 1987.

By C. H. Shay
Assistant Benefits Manager

AMENDATORY SECTION (Amending Resolution No. 86-3, filed 8/5/86)

WAC 182-12-210 EXTENDED SELF-PAY MEDICAL AND DENTAL COVERAGE. In accordance with federal law, the Consolidated Omnibus Budget Reconciliation Act (COBRA), employees and dependents not otherwise enrolled in SEIB employer-funded coverage may continue their SEIB ((employee)) medical and dental coverage ((may be continued)) by self-payment of premium according to the following guidelines:

(1) Employees and/or their enrolled dependents may continue ((their and their eligible dependents)) coverage for up to eighteen months following the month in which either of the following qualifying events occur: (a) The employee is terminated (other than by reason of gross misconduct – see WAC 182-12-220 for appeal of dismissal) or (b) the employee would otherwise lose coverage due to reduction in hours of employment.

(2) ((Eligible)) Enrolled dependents of employees may continue their coverage for up to thirty-six months following the month in which the first of any of the following qualifying events occur: (a) The employee dies (except as provided under WAC 182-12-122), (b) the ((spouse)) employee becomes divorced, or (c) a child ceases to be a dependent child under the requirements of the plan. Should more than one qualifying event occur, the maximum period a dependent may continue coverage under this section shall be thirty-six months.

(3) Continuation of coverage may be for medical only or for medical and dental, but not dental only, and each enrolled family member is entitled to make a separate selection of these options.

(4) Coverage continued under this ((chapter)) section shall be secondary to any other employer group coverage the person may have.

(5) ((Continuation)) Continued coverage ((may)) will be terminated when (a) the plan terminates, ((or)) (b) premium is not paid within the grace period stated in subsection (8) of this section, or (c) the person becomes covered in SEIB employer-funded coverage.

(6) NOTICE REQUIREMENTS:

(a) ((Prior to July 1, 1986)) At the time their coverage commences under the plan, the employer shall provide to each ((covered)) new employee written notice of the ((continuation coverage required under this chapter)).

~~Similar notice must be given to new employees at the time their coverage commences under the plan) option to continue coverage as stated in this section.~~

(b) It is the employee's or dependent's responsibility to notify the employer of the employee's divorce ((of spouse)) or of a child ceasing to be an eligible dependent within sixty days of the qualifying event.

(c) When the employer learns of ((an employee's death, termination or other loss of eligibility under the plan, or receives notice of a)) any qualifying event ((described in (b) of this subsection,)) the employer must notify the employee (or surviving dependent) of the rights of this ((chapter)) section within fourteen days of the receipt of this information.

(7) ELECTION ((OF)) TO CONTINUE COVERAGE: ((An eligible)) Enrolled persons ((may)) must make their election to continue coverage ((during)) within a period of sixty days following a qualifying event or following the date notice is received from the employer, whichever is later.

(8) PREMIUM REQUIREMENTS: Payment of premium for ((continuation)) continued coverage must be made within forty-five days of the date of election ((of coverage)). Premium ((is payable)) must be paid retroactive to the ((date of)) first of the month following the qualifying event. Thereafter, premiums are due on the first of each month, subject to a thirty-day grace period.

(9) CONVERSION OPTION: Within a period of thirty-one days following the expiration of a person's ((continuation)) continued coverage, the person may ((transfer to)) purchase an individual conversion ((plan which is otherwise available under the SEIB plan)) policy.

WSR 87-04-017

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 210, Resolution No. 219—Filed January 27, 1987]

Be it resolved by the Washington State Liquor Control Board, acting at the Capital Plaza Building, 1025 East Union Avenue, 5th Floor, Olympia, WA 98504, that it does adopt the annexed rules relating to Records—Purchases—Reports, WAC 314-16-160.

This action is taken pursuant to Notice No. WSR 87-03-025 filed with the code reviser on January 14, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 27, 1987.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 109, Resolution No. 118, filed 8/9/82)

WAC 314-16-160 RECORDS—PURCHASES—REPORTS. (1) The originals or copies of all purchase invoices and other memoranda covering all purchases of liquor by retail licensees showing (a) items purchased, (b) quantities thereof, (c) from whom purchased, and (d) purchase date, shall be kept for at least two years after each purchase, and shall be filed separately and kept apart from all other records, and as nearly as possible shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and copying. All canceled checks, bank statements and books of account covering or involving the purchase of liquor, and all memoranda, if any, showing payment of money for liquor other than by check, shall be likewise preserved for two years and shall be at all times kept available for inspection and copying.

(2) No retail licensee shall buy or accept delivery of liquor except for cash paid at the time of the delivery thereof: PROVIDED, That in individual and particular cases, upon consent of the board first had and obtained, in writing, a retail licensee may pay cash prior to delivery of liquor purchased.

(3) ((No)) A retail licensee shall purchase beer from a beer wholesaler ((at a price differing from the price for the package or container of beer as shown in the price posting filed in accordance with WAC 314-20-100)) pursuant to RCW 66.28.070 and shall purchase wine from a state liquor store or agency or from a duly licensed wholesaler except as provided in chapter 314-70 WAC. All beer purchased must be at the posted price in accordance with WAC 314-20-100 and all wine purchased must conform to the posted price as filed under WAC 314-24-190. No retail licensee may return wine to a wine wholesaler except in accordance with the provisions of WAC 314-24-210, nor shall any retail licensee return beer to a beer wholesaler except in accordance with the provisions of WAC 314-20-070.

(4) ((A retail licensee shall only purchase wine from a state liquor store or agency or from a duly licensed wine wholesaler except as provided in chapter 314-70 WAC. No wine shall be purchased from a wine wholesaler at a price differing from the price for the container of wine as shown in the price posting filed in accordance with WAC 314-24-190. No retail licensee may return wine to a wine wholesaler except in accordance with the provisions of WAC 314-24-210)) Prior to license delivery, a new beer and/or wine licensee or transferee may, with board authorization, be sold beer and/or wine for the purpose of stocking the premises. No retail sale of beer and/or wine shall take place until the applicant premises have been inspected by the board and the liquor license is delivered.

(5) Each retail licensee shall keep books and records which will clearly reflect all financial transactions and the financial condition of the business.

(6) Any retail licensee may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the

board. Request for approval shall be directed to the Washington state liquor control board and must include the following information:

- (a) Records proposed to be reproduced.
- (b) Reproduction process.
- (c) Manner of preserving the reproduction.
- (d) Facilities provided for examining or viewing such reproduction.

If the request is approved, the licensee shall provide for the examining, viewing and reproduction of such records the same as if they were the original records.

(7) If a retail licensee keeps records within an automatic data processing (ADP) system, the system must include a method for producing from punchcards or from other machine-sensible data media legible records that will provide the same information required of that type of record within this section. The ADP system is acceptable if it complies with the following guidelines:

(a) Provides an audit trail so that details (invoices and vouchers) underlying the summary accounting data may be identified and made available upon request.

(b) Provides the opportunity to trace any transaction back to the original source or forward to a final total. If printouts of transactions are not made when they are processed, the system must have the ability to reconstruct these transactions.

(c) Has available a full description of the ADP portion of the accounting system. This should show the applications being performed, the procedures employed in each application and the controls used to ensure accurate and reliable processing.

(8) All Class H licensees in addition to the requirements of subsection (1) of this section shall at all times:

(a) Maintain records of all purchases for the premises, including liquor, food and supplies. The purchases supported by supplier invoices or signed vouchers are to be segregated as to type and recorded.

(b) Maintain records of all sales in the premises from all sources including liquor, food and miscellaneous items and service. Individual sales are to be recorded on sales slips or cash register tape in such a manner to indicate the source of revenue and the records are to be filed for future audit purposes. Sales segregated as to source of revenue are to be recorded.

(c) Preserve for a period of two years the records described in subsections (6), (7), and (8)(a) and (b) of this section.

(d) Make such periodic reports to the board covering purchases, sales and inventory of liquor, food and supplies as may be prescribed or requested by the board.

(e) Keep available for inspection and copying by the board and/or its accredited representatives all books and records relative to purchases, sales and inventories of liquor, food and supplies.

WSR 87-04-018

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 211, Resolution No. 220—Filed January 27, 1987]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Prohibited practices—Contracts—Gifts—Rebates, etc., WAC 314-12-140.

This action is taken pursuant to Notice No. WSR 87-01-051 filed with the code reviser on December 16, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 66.28.010 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 27, 1987.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 181, Resolution No. 190, filed 4/9/86)

WAC 314-12-140 PROHIBITED PRACTICES—CONTRACTS—GIFTS—REBATES, ETC. (1) No contract shall be made or entered into whereby any retail licensee agrees to handle any particular brand or brands of liquor to the exclusion of any other brand or brands of liquor.

(2) No contract shall be made or entered into for the future delivery of liquor to any retail licensee: PROVIDED, That this regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(3) No manufacturer, wholesaler, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail licensee, any employee thereof, or an applicant for a license, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever; nor shall any retail licensee, employee thereof, or an applicant for a license, directly or indirectly, solicit, receive from, or give or offer to any manufacturer, wholesaler or importer, or his employee, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever, except such services as are authorized in this regulation. It shall be a violation of this section for:

(a) Any retail licensee who has paid for beer or wine with a check which was dishonored upon presentation to

thereafter refuse to make good on the check by immediate payment in cash.

(b) Any retail licensee to purchase beer and/or wine from any source after having received notice that a previous check given in payment for beer and/or wine has been dishonored until that dishonored check has been made good in cash.

(4) Pursuant to RCW 66.28.010 a manufacturer, wholesaler, importer, or his licensed agent may perform the following services for a retailer:

(a) Build, rotate, and restock displays, utilizing filled cases, filled bottles or filled cans of his own brands only, from stock or inventory owned by the retailer.

(b) Rotate, rearrange or replenish bottles or cans of his own brands on shelves or in the refrigerators, but is prohibited from rearranging or moving displays of his products in such a manner as to cover up, hide or reduce the space of display of the products of any other manufacturer, wholesaler or importer.

(c) Provide price cards and may also price goods of his own brands in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(d) Provide point of sale advertising material and brand signs.

(e) Such services may be rendered only upon the specific approval of the retail licensee. Displays and advertising material installed or supplied for use on a retailer's premises must be in conformity with the board's advertising rules as set forth in chapter 314-52 WAC.

(f) No manufacturer, wholesaler, importer, or any employee thereof, shall move or handle in any manner any products other than his own brands on the premises of any retail licensee.

(5) No manufacturer, wholesaler, importer, or employee thereof shall, directly or indirectly, give, furnish, rent or lend to, or receive from, any retail licensee any equipment, fixtures, supplies or property of any kind, nor shall any retail licensee, directly or indirectly, receive, lease or borrow from, or give or offer to, any manufacturer, wholesaler or importer any equipment, fixtures, supplies or property of any kind. Sales authorized in this regulation shall be made on a cash on delivery basis only.

(6) No manufacturer or wholesaler or employee thereof shall sell to any retail licensee or solicit from any such licensee any order for any liquor tied in with, or contingent upon, the retailer's purchase of some other beverage, alcoholic or otherwise, or any other merchandise, property or service.

(7) In selling equipment, fixtures, supplies or commodities other than liquor, no manufacturer, wholesaler or importer shall grant to retail licensees, nor shall such licensees accept, more favorable prices than those extended to nonlicensed retailers. The price thereof shall be in conformity with the open market price in the locality where sold. In no event shall credit be extended to any retail licensee.

(8) Any manufacturer, wholesaler or importer who sells what is commonly referred to as heavy equipment

and fixtures, such as counters, back bars, stools, chairs, tables, sinks, refrigerators or cooling boxes and similar articles, shall immediately after making any such sales have on file and available for inspection in accordance with WAC 314-20-050 a copy of the invoice covering each such sale, which invoice shall contain a complete description of the articles sold, the purchase price of each unit sold together with the total amount of the sale, transportation costs and services rendered in connection with the installation of such articles. Such invoice shall list the date of such sale and affirm that full cash payment for such articles was received from the retailer as provided in subsection (5) of this ((regulation)) section.

(9) If the board finds in any instance that any licensee has violated this regulation, then all licenses involved shall be held equally responsible for such violation.

Note: WAC 314-12-140 is not intended to be a relaxation in any respect of section 90 of the Liquor Act (RCW 66.28.010). As a word of caution to persons desiring to avail themselves of the opportunity to sell to retail licensees fixtures, equipment and supplies subject to the conditions and restrictions provided in section 90 of the act and the foregoing regulation, notice is hereby given that, if at any time such privilege is abused or experience proves that as a matter of policy it should be further curtailed or eliminated completely, the board will be free to impose added restrictions or to limit all manufacturers and wholesalers solely to the sale of liquor when dealing with retail licensees. WAC 314-12-140 shall not be considered as granting any vested right to any person, and persons who engage in the business of selling to retail licensees property or merchandise of any nature voluntarily assume the risk of being divested of that privilege and they will undertake such business subject to this understanding. The board also cautions that certain trade practices are prohibited by rulings issued under the Federal Alcohol Administration Act by the United States Bureau of Alcohol, Tobacco and Firearms, and WAC 314-12-140 is not intended to conflict with such rulings or other requirements of federal law or regulations.

**WSR 87-04-019
PROPOSED RULES
DEPARTMENT OF ECOLOGY**

[Filed January 27, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning minimum functional standards for waste handling, amending chapter 173-304 WAC, to include a requirement for maximum recycling when constructing or operating solid waste incineration or energy recovery facilities.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 26, 1987, 2:00 p.m.

The authority under which these rules are proposed is chapter 43.21A RCW.

The specific statute these rules are intended to implement is chapter 70.95 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 26, 1987.

This notice is connected to and continues the matter in Notice No. WSR 86-21-125 filed with the code reviser's office on October 22, 1986.

Dated: January 27, 1987
 By: Phillip C. Johnson
 Deputy Director, Programs

WSR 87-04-020
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 86-34—Filed January 27, 1987]

I, Phillip C. Johnson, deputy director of programs for the Department of Ecology, do promulgate and adopt at the Department of Ecology, Headquarters Office, Lacey, the annexed rules relating to submission of plans and reports for construction and operation of combined sewer overflow reduction facilities.

This action is taken pursuant to Notice No. WSR 87-04-014 filed with the code reviser on January 26, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.48.035 which directs that the Department of Ecology has authority to implement the provisions of chapter 90.48 RCW, water pollution control.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 27, 1987.
 By Phillip C. Johnson

Chapter 173-245 WAC
SUBMISSION OF PLANS AND REPORTS FOR
CONSTRUCTION AND OPERATION OF COM-
BINED SEWER OVERFLOW REDUCTION FA-
CILITIES

WAC

173-245-010	Purpose and scope.
173-245-015	General requirements.
173-245-020	Definitions.
173-245-030	Submission of plans.
173-245-040	CSO reduction plan.
173-245-050	Plans and specifications.
173-245-055	Construction quality assurance plan.
173-245-060	Operation and maintenance manual.
173-245-070	Declaration of construction completion.
173-245-075	Form—Declaration of construction of water pollution control facilities.
173-245-080	Requirement for certified operator.
173-245-084	Ownership and operation and maintenance.
173-245-090	Schedule updates—Monitoring—Reporting.

NEW SECTION

WAC 173-245-010 PURPOSE AND SCOPE. This chapter establishes a procedure and criteria for implementing RCW 90.48.480 which requires "the greatest reasonable reduction of combined sewer overflows at the earliest possible date." It applies to municipalities whose sewer system includes combined sewer overflow (CSO) sites.

NEW SECTION

WAC 173-245-015 GENERAL REQUIREMENTS. (1) All CSO sites shall achieve and at least maintain the greatest reasonable reduction, and neither cause violations of applicable water quality standards, nor restrictions to the characteristic uses of the receiving water, nor accumulation of deposits which: (a) Exceed sediment criteria or standards; or (b) have an adverse biological effect. (2) This chapter shall not negate specific CSO reduction projects, programs, and schedules which the department and a municipality have agreed upon prior to this chapter's effective date. However, the provisions of this chapter shall still apply.

NEW SECTION

WAC 173-245-020 DEFINITIONS. As used in this chapter:

- (1) "At-site treatment" means treatment and discharge of combined sewage at the CSO site.
- (2) "Baseline annual CSO volume and frequency" means the annual CSO volume and frequency which is estimated to occur based upon the existing sewer system and the historical rainfall record.
- (3) "Best management practices" means use of those practices which will best reduce the amount of pollution caused by nonpoint sources so that pollutant loadings in combined and storm sewer flows during rainfall events are minimized.

(4) "Combined sewage" means the mixture of sanitary sewage, infiltration, and inflow.

(5) "Combined sewer" means a sewer which has been designed to serve as a sanitary sewer and a storm sewer, and into which inflow is allowed by local ordinance.

(6) "Combined sewer overflow (CSO)" means (a) the event during which excess combined sewage flow caused by inflow is discharged from a combined sewer, rather than conveyed to the sewage treatment plant because either the capacity of the treatment plant or the combined sewer is exceeded.

(7) "CSO reduction plan" means a comprehensive plan for attaining the greatest reasonable reduction of CSO's at the earliest possible date. The requirements for a CSO reduction plan are as further described in this chapter.

(8) "Department" means the department of ecology.

(9) "Disinfection" means the selective destruction of disease-causing and bacterial indicator group organisms.

(10) "Domestic wastewater facilities" means any CSO treatment/control facility included under the definition of domestic wastewater facilities as defined in chapter 173-240 WAC.

(11) "In-line storage" means storage of sewage within the sewer pipes through the use of regulators and gates.

(12) "Infiltration" means the addition of ground water into a sewer through joints, the sewer material, cracks, and other defects.

(13) "Inflow" means the addition of rainfall-caused surface water drainage from roof drains, yard drains, basement drains, street catch basins, etc., into a sewer.

(14) "NPDES" means the National Pollutant Discharge Elimination System.

(15) "Off-line storage" means storage of sewage adjacent to the sewer pipe in a tank or other storage device.

(16) "Primary treatment" means any process which removes at least fifty percent of the total suspended solids from the waste stream, and discharges less than 0.3 ml/l/hr. of settleable solids.

(17) "Sanitary sewer" means a sewer which is designed to convey sanitary sewage and infiltration.

(18) "Sanitary sewage" means the mixture of domestic, commercial, and industrial wastewaters.

(19) "Secondary treatment" means any process which achieves the requirements of 40 CFR Part 133 as supplemented by state regulation and guidance.

(20) "Storm sewer" means a sewer which is designed to convey surface water drainage caused by rainfall.

(21) "Storm sewer/sanitary sewer separation" means construction of new storm sewers or new sanitary sewers so that sanitary sewage and surface drainage are conveyed in different sewers.

(22) "The greatest reasonable reduction" means control of each CSO such that an average of one untreated discharge may occur per year.

NEW SECTION

WAC 173-245-030 SUBMISSION OF PLANS.

Municipalities shall:

(1) Obtain the approval of the department for CSO reduction plans by January 1, 1988. This deadline may be extended by the department, when that authority is granted.

(2) Submit plans to the department at least sixty days prior to the time approval is desired.

(3) Incorporate CSO reduction plans into their respective general sewer plans and into plans for new or upgraded sewage treatment facilities.

NEW SECTION

WAC 173-245-040 CSO REDUCTION PLAN.

(1) The CSO reduction plan shall be sufficiently complete so that plans and specifications can be developed from it for projects which may proceed into design within two years of plan submittal. Sufficient detail of any remaining projects shall be provided such that detailed engineering reports can be prepared in the future.

(2) CSO reduction plans shall include the following information together with any other relevant data as requested by the department.

(a) Documentation of CSO activity. Municipalities shall complete a field assessment and mathematical

modeling study to establish each CSO's location, baseline annual frequency, and baseline annual volume; to characterize each discharge; and to estimate historical impact by:

(i) Flow monitoring and sampling CSO's. Monitoring and sampling at one or more CSO sites in a group which are in close proximity to one another shall be sufficient if the municipality can establish a consistent hydraulic and pollutant correlation between/among the group of CSO sites. Sampling may not be required for CSO sites which serve residential basins; and

(ii) Developing a rainfall/stormwater runoff/CSO model to simulate each CSO site's activity; and

(iii) Verifying the model's accuracy with data collected under (a)(i) of this subsection; and

(iv) In circumstances where an historical impact may be discernible, observing and sampling the receiving water sediments adjacent to each CSO site or group of sites to establish the presence and extent of any bottom deposits; and

(v) If the sewer service area upstream of a CSO site includes sanitary sewer sources other than domestic sewage, samples of the sediment deposits shall receive heavy metal analysis and organic pollutant screening. Pending review of results of these analyses, the department may require additional pollutant analyses. If two or more CSO sites serve the same industrial/commercial sources, sediment sampling adjacent to one representative CSO site may suffice.

(b) Analysis of control/treatment alternatives. Treatment/control alternatives, to achieve the greatest reasonable reduction at each CSO site, which shall receive consideration include but are not limited to:

(i) Use of best management practices, sewer use ordinances, pretreatment programs, and sewer maintenance programs to reduce pollutants, reduce infiltration, and delay and reduce inflow; and

(ii) In-line and off-line storage with at least primary treatment and disinfection at the secondary sewage treatment facility which is served by the combined sewer; or

(iii) Increased sewer capacity to the secondary sewage treatment facility which shall provide at least primary treatment and disinfection; or

(iv) At-site treatment equal to at least primary treatment, and adequately offshore submerged discharge. At site treatment may include a disinfection requirement at CSO sites which are near or impact water supply intakes, potentially harvestable shellfish areas, and primary contact recreation areas; or

(v) Storm sewer/sanitary sewer separation.

(c) Analysis of selected treatment/control projects. Municipalities shall do an assessment of the treatment/control project or combination of projects proposed for each CSO site. The assessment shall include:

(i) An estimation of the water quality and sediment impacts of any proposed treated discharge using existing background receiving water quality data, and estimated discharge quality and quantity. The department may require a similar analysis for proposed storm sewer outfalls for basins which drain industrial and/or commercial areas; and

(ii) An estimation of the selected projects' impacts on the quality of effluent from and operation of a municipality's secondary sewage treatment facility. During wet weather flow conditions, a municipality shall maximize the rate and volume of flows transported to its secondary sewage treatment facility for treatment. However, such flows shall not cause the treatment facility to exceed the pollutant concentration limits in its NPDES permit; and

(iii) The estimated construction and operation and maintenance costs of the selected projects; and

(iv) The general locations, descriptions, basic design data, sizing calculations, and schematic drawings of the selected projects and descriptions of operation to demonstrate technical feasibility; and

(v) An evaluation of the practicality and benefits of phased implementation; and

(vi) A statement regarding compliance with the State Environmental Policy Act (SEPA).

(d) Priority ranking. Each municipality shall propose a ranking of its selected treatment/control projects. The rankings shall be developed considering the following criteria:

(i) Highest priority shall be given to reduction of CSO's which discharge near water supply intakes, public primary contact recreation areas, and potentially harvestable shellfish areas;

(ii) A cost-effectiveness analysis of the proposed projects. This can include a determination of the monetary cost per annual mass pollutant reduction, per annual volume reduction, and/or per annual frequency reduction achieved by each project;

(iii) Documented, probable, and potential environmental impacts of the existing CSO discharges.

(e) Municipalities shall propose a schedule for achieving "the greatest reasonable reduction of combined sewer overflows at the earliest possible date." (RCW 90.48-.480.) If the agreed upon schedule exceeds five years, municipalities shall propose an initial five-year program of progress towards achieving the greatest reasonable reduction. Factors which municipalities and the department shall use to determine compliance schedules shall include but not be limited to:

(i) Total cost of compliance;

(ii) Economic capability of the municipality;

(iii) Other recent and concurrent expenditures for improving water quality; and

(iv) The severity of existing and potential environmental and beneficial use impacts.

NEW SECTION

WAC 173-245-050 PLANS AND SPECIFICATIONS. (1) The plans and specifications for a domestic wastewater facility are the detailed construction documents by which the owner or his contractor bid and construct the facility. The content and format of the plans and specifications shall be as stated in the state of Washington, "criteria for sewage works design," and shall include a listing of the facility design criteria and a plan for interim operation of facilities during construction.

(2) Plans and specifications for sewer line extensions shall include, as a separate report, an analysis of the existing collection and treatment systems ability to transport and treat additional flow and loading.

(3) Two copies of the plans and specifications shall be submitted to the department for approval prior to start of construction, excepting as waived under WAC 173-240-030(5). (See also, WAC 173-240-070.)

NEW SECTION

WAC 173-245-055 CONSTRUCTION QUALITY ASSURANCE PLAN. (1) Prior to construction a detailed plan must be submitted to the department showing how adequate and competent construction inspection will be provided.

(2) The construction quality assurance plan shall include:

(a) Construction schedule with a summary of planned construction activities, their sequence, interrelationships, durations, and terminations.

(b) Description of the construction management organization, management procedures, lines of communication, and responsibility.

(c) Description of anticipated quality control testing including type of test, frequency, and who will perform the tests.

(d) Description of the change order process including who will initiate change orders, as well as who will review, negotiate, and approve change orders.

(e) Description of the technical records handling methodology including where plans and specifications, as-built drawings, field orders, and change orders will be kept.

(f) Description of construction inspection program including inspection responsibility, anticipated inspection frequency, deficiency resolution, and inspector qualifications. (See also, WAC 173-240-075.)

NEW SECTION

WAC 173-245-060 OPERATION AND MAINTENANCE MANUAL. (1) The proposed method of operation and maintenance of the domestic wastewater facility shall be stated in the engineering report or plans and specifications and approved by the department. The statement shall be a discussion of who will own, operate, and maintain the facility and what the staffing and testing requirements are. The owner shall follow the approved method of operation after the facility is constructed, unless changes have been approved by the department.

(2) In those cases where the facility includes mechanical components, a detailed operation and maintenance manual shall be prepared prior to completion of construction. The purpose of the manual is to present technical guidance and regulatory requirements to the operator to enhance operation under both normal and emergency conditions. Two copies of the manual shall be submitted to the department for approval prior to completion of construction.

(3) In order to assure proper operation during construction and timely review and approval of the final operation and maintenance manual, a draft manual shall be submitted in the early stages of the construction of a facility. In addition, manufacturer's information on equipment must be available to the plant operator prior to unit start-up.

(4) The operation and maintenance manual shall include the following list of topics. For those projects funded by the environmental protection agency the manual shall also follow the requirements of the EPA publication, "Considerations for Preparation of Operation and Maintenance Manuals."

(a) The assignment of managerial and operational responsibilities to include plant classification and classification of required operators.

(b) A description of plant type, flow pattern, operation, and efficiency expected.

(c) The principal design criteria.

(d) A process description of each plant unit, including function, relationship to other plant units, and schematic diagrams.

(e) A discussion of the detailed operation of each unit and description of various controls, recommended settings, fail-safe features, etc.

(f) A discussion of how the treatment facilities are to be operated during anticipated maintenance procedures, and under less than design loading conditions, if applicable, such as initial loading on a system designed for substantial growth.

(g) A section on laboratory procedures including sampling techniques, monitoring requirements, and sample analysis.

(h) Recordkeeping procedures and sample forms to be used.

(i) A maintenance schedule incorporating manufacturer's recommendations, preventative maintenance and housekeeping schedules, and special tools and equipment usage.

(j) A section on safety.

(k) A section stating the spare parts inventory, address of local suppliers, equipment warranties, and appropriate equipment catalogues.

(l) Emergency plans and procedures.

(5) In those cases where the facility does not include mechanical components, an operation and maintenance manual, which may be less detailed than that described in subsection (4) of this section, shall be submitted to the department for approval prior to completion of construction. The manual shall fully describe the treatment and disposal system and outline routine maintenance procedures needed for proper operation of the system. (See also, WAC 173-240-080.)

NEW SECTION

WAC 173-245-070 DECLARATION OF CONSTRUCTION COMPLETION. (1) Within thirty days following acceptance by the owner of the construction or modification of a domestic wastewater facility, the professional engineer in responsible charge of inspection of

the project shall submit to the department (a) one complete set of record drawings or as-builts (b) a declaration stating the facilities were constructed in accordance with the provisions of the construction quality assurance plan and without significant change from the department approved plans and specifications.

(2) The declaration will be furnished by the department and will be the same form as WAC 173-245-075, declaration of construction of water pollution control facilities. The submission of the declaration is not necessary for sewer line extensions where the local government entity has received approval of a general sewer plan and standard design criteria. (See also, WAC 173-240-090.)

NEW SECTION

WAC 173-245-075 FORM—DECLARATION OF CONSTRUCTION OF WATER POLLUTION CONTROL FACILITIES.

DECLARATION OF CONSTRUCTION OF WATER POLLUTION CONTROL FACILITIES

Instructions:

- A. Upon completion, and prior to the use of any project or portions thereof, a professional engineer shall complete and sign this form, declaring that the project was constructed in accordance with the provisions of the construction quality assurance plan and with the plans and specifications and major change orders approved by the department of ecology.
- B. If a project is being completed in phased construction, a map shall be attached showing that portion of the project to which the declaration applies. A declaration of construction must be submitted for each phase of a project as it is completed. Additional declaration forms are available upon request from the department of ecology offices listed below.

NAME AND BRIEF DESCRIPTION OF PROJECT:

.....

NAME OF OWNER DOE PROJECT NO.

ADDRESS DATE PROJECT OR
PHASE COMPLETED

CITY STATE ZIP

DOE PLAN AND
SPECIFICATION
APPROVAL DATE

I hereby declare that I am the project engineer of the above identified project and that said project was reviewed and observed by me or my authorized agent in accordance with the provisions of the construction quality assurance plan. I further declare that said project was to the best of my knowledge and information constructed

and completed in accordance with the plans and specification and major change orders approved by the department of ecology and as shown on the owner's "as-built" plans.

.....
Signature or Professional Engineer
DATE

SEAL
OF
ENGINEER

Please return completed form to the department of ecology office checked below.

<input type="checkbox"/> SW Regional Office Department of Ecology Mail stop LU-11 7272 Cleanwater Lane Olympia, WA 98504	<input type="checkbox"/> Central Regional Office Department of Ecology 3601 W. Washington Yakima, WA 98903
<input type="checkbox"/> NW Regional Office Department of Ecology 4350 150th Ave. NE Redmond, WA 98052	<input type="checkbox"/> Eastern Regional Office Department of Ecology East 103 Indiana Ave. Spokane, WA 99207
<input type="checkbox"/> Municipal Division Department of Ecology PV-11 Olympia, WA 98503	

(See also, WAC 173-240-095.)

NEW SECTION

WAC 173-245-080 REQUIREMENT FOR CERTIFIED OPERATOR. Each owner of a domestic wastewater treatment facility is required by chapter 70-95B RCW to have an operator, certified by the state, in responsible charge of the day to day operation of the facility. This requirement does not apply to a septic tank utilizing subsurface disposal. The certification procedures are set forth in chapter 173-230 WAC. (See also, WAC 173-240-100.)

NEW SECTION

WAC 173-245-084 OWNERSHIP AND OPERATION AND MAINTENANCE. (1) Domestic sewage facilities will not be approved unless ownership and responsibility for operation and maintenance is by a public entity except as provided in subsections (2) and (3) of this section. If a waste discharge permit is required it must be issued to the public entity. Nothing herein precludes a public entity from contracting operation and maintenance of domestic sewage facilities.

(2) Ownership by nonpublic entities may be approved if the department determines such ownership is in the public interest; provided there is an enforceable contract, approved by the department, between the nonpublic entity and a public entity with an approved sewer general plan which will assure immediate assumption of the system under the following conditions:

- (a) Treatment efficiency is unsatisfactory either as a result of plant capacity or physical operation; or
- (b) If such assumption is necessary for the implementation of a general sewer plan.

(3) The following domestic wastewater facilities would not require public entity ownership, operation, and maintenance:

(a) Those facilities existing or approved for construction as of the effective date of this section, until such time as the facility is expanded to accommodate additional development.

(b) Those facilities that serve a single nonresidential, industrial, or commercial establishment. Commercial/industrial complexes serving multiple owners or tenants and multiple residential dwelling facilities such as mobile home parks, apartments, and condominiums are not considered commercial establishments for the purpose of this section. (See also, WAC 173-240-104.)

NEW SECTION

WAC 173-245-090 SCHEDULE UPDATES—MONITORING—REPORTING. (1) By the anniversary date of its sewage treatment plant NPDES permit, in conjunction with its annual assessment for prevention of facilities overloading where applicable, a municipality shall submit an annual CSO report to the department for review and approval which:

(a) Details the past year's frequency and volume of combined sewage discharged from each CSO site, or group of CSO sites in close proximity. Field monitoring shall be necessary to estimate these parameters. The report shall indicate whether a CSO site or group of sites has increased over the baseline annual condition. If any increase has occurred, the municipality shall propose a project and schedule to reduce that CSO site or group of sites to or below its baseline condition;

(i) When a CSO site has been reduced to an average of one overflow per year through use of storage or separation, the department may consider reducing the monitoring requirement to frequency verification;

(ii) If the selected CSO control project is at-site treatment and discharge, the department may issue a modification to the applicable sewage treatment plant permit or issue a separate NPDES permit for that discharge. The permit or permit modification shall include effluent limits, flow capacity limits, and reporting requirements. The total treated and untreated annual discharge from an at-site treatment plant shall not increase above the baseline annual;

(b) Explains the previous year's CSO reduction accomplishments; and

(c) Lists the projects planned for the next year.

(2) In conjunction with its application for renewal of its applicable NPDES permit, the municipality shall submit an amendment to its CSO reduction plan. The amendment shall include:

(a) An assessment of the effectiveness of the CSO reduction plan to date; and

(b) A reevaluation of the CSO sites' project priority ranking; and

(c) A listing of projects to be accomplished in the next five years based upon priorities and estimated revenues. The department of ecology may incorporate such schedule into an administrative order or the applicable NPDES permit.

WSR 87-04-021**NOTICE OF PUBLIC MEETINGS****CRIMINAL JUSTICE TRAINING COMMISSION**

[Memorandum—January 26, 1987]

The Washington State Criminal Justice Training Commission has adopted the following schedule of meeting dates for 1987:

March 5, 1987	Washington State Criminal Justice Training Commission Campus of St. Martin's College Olympia, WA
May 28, 1987	Yakima, WA
September 10, 1987	Spokane, WA

December 3, 1987 Criminal Justice Training Center
2450 South 142nd
Seattle, WA 98168

WSR 87-04-022
ADOPTED RULES
DEPARTMENT OF ECOLOGY

[Order 86-36—Filed January 28, 1987]

I, Phillip C. Johnson, deputy director of [programs for] the Department of Ecology, do promulgate and adopt at the Department of Ecology Headquarters, Abbott Raphael Hall, Room 154, the annexed rules relating to administration of the flood control assistance account program, chapter 173-145 WAC.

This action is taken pursuant to Notice No. WSR 87-03-044 filed with the code reviser on January 20, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 86.26 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 27, 1987.

By Phillip C. Johnson
Deputy Director, Programs

Chapter 173-145 WAC
ADMINISTRATION OF THE FLOOD CONTROL
ASSISTANCE ACCOUNT PROGRAM

WAC

173-145-010	Authority and purpose. Definitions.
173-145-020	Eligibility criteria for FCAAP funds.
173-145-030	Comprehensive flood control management plan (<u>CFCMP</u>).
173-145-040	Flood plain management activities.
173-145-050	FCAAP project application process.
173-145-060	FCAAP project approval process.
173-145-070	(<u>Priority of FCAAP projects</u>) Criteria for allocation of funds.
173-145-080	

173-145-090	Flood control assistance account ((<u>contributions and project match</u>)) funding and matching requirements.
173-145-100	Emergency fund administration.
173-145-110	Multi((=))year projects.
173-145-120	Work standards for all FCAAP projects.
173-145-130	Project construction monitoring.
173-145-140	Written agreements.
173-145-155	Approval of changes to written agreements.

AMENDATORY SECTION (Amending Order DE 85-10, filed 6/21/85)

WAC 173-145-010 AUTHORITY AND PURPOSE. ((Chapter 212, Laws of 1984, regular session, amended chapter 86.26 RCW, state participation in flood control maintenance (the act), RCW 86.26.010 and 86.16.170 provide that the Washington department of ecology (WDOE) shall administer and enforce the flood control assistance account program (FCAAP) established by the act.)) RCW 86.26.050 provides that counties and other municipal corporations responsible for flood control maintenance may apply to the department of ecology for financial assistance for the preparation of comprehensive flood control management plans and for flood control maintenance projects. The purpose of such plans is described in RCW 86.26.105. The department shall determine priorities and allocate available funds from the flood control assistance account program (FCAAP) among those counties applying for assistance, and shall adopt regulations establishing the criteria by which such allocations shall be made. Such criteria shall be based upon proposals which are likely to bring about public benefits commensurate with the amount of state funds allocated thereto. This chapter describes the manner in which ((WDOE)) ecology will implement the provisions of the act.

AMENDATORY SECTION (Amending Order DE 85-10, filed 6/21/85)

WAC 173-145-020 DEFINITIONS. For the purposes of this chapter ((and subsequent regulations formulated for floodplain management programs in Washington)), the following definitions shall be used:

(1) "Applicant." ((is)) An eligible municipal corporation seeking matching funds for flood control maintenance work.

(2) "Appropriate local authority." ((is)) A county, city, or town having planning and land use jurisdiction within ((the)) a given area which is covered by the ((CFCMP)) comprehensive flood control management plan.

(3) "Certification." Certification is the written confirmation between ecology and the appropriate local authority and the county engineer which verifies the understanding as to what the comprehensive flood control management plan will contain, the timing and anticipated product, and a reporting schedule that will allow for ecology review and input during the plan development.

(4) "Comprehensive flood control management plan (CFCMP)." ((is)) A document which ((provides a means of planning for and evaluating the impacts of a flood control program within a river basin, subbasin, or other area to ensure that work done on specific project activities is compatible with the goals and objectives for the area covered by the plan)) determines the need for flood control work, considers alternatives to in-stream flood control work, identifies and considers potential impacts of in-stream flood control work on the state's instream resources, and identifies the river's meander belt or floodway, as described in WAC 173-145-040.

((4))) (5) "County engineer." ((is)) The appointed public works director, county engineer, or the person designated to act for the county engineer.

((5))) (6) "Eligible municipal corporation." ((includes but is not limited to)) Counties, cities, towns, conservation districts, ((and)) flood control zone districts, or any special districts ((which have flood control responsibilities)) subject to flood conditions.

((6))) (7) "Emergency fund." ((is)) That portion of the biennial appropriation allocated to the flood control assistance account which is set aside for emergency projects.

((7))) (8) "Emergency project." ((is)) Flood control work necessary for reasons declared by the appropriate local authority and as authorized and approved by ((WDOE)) ecology which must be done immediately to protect lives ((and)) or property.

((8))) (9) "Flood compatible land uses." Those uses of the land within the river's meander belt or floodway which comply with the minimum state, federal, and local flood plain management regulation requirements.

((9) "Flood control responsibility") is any statutory responsibility which includes or is directly related to controlling flood waters, prevention of flood damages, or the protection of life and property from flood damages.)

(10) "Flood plain management activities." ((are activities as defined)) Activities described in WAC 173-145-050 ((to be)) performed by local governments through ordinances or other means to reduce the damaging effects of flooding.

(11) "Floodway." ((means the regulatory floodway as defined in WAC 173-145-020(14))) The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base (one hundred year frequency) flood without cumulatively increasing the water surface elevation more than a designated height.

(12) "Maintenance project." ((is)) The work necessary to preserve or restore the natural condition or to restore man-made flood control facilities to their former condition using in-kind replacement materials or acceptable alternatives. This work is necessary due to anticipated or actual damage or destruction from flooding by action of erosion, stream flow, sheet runoff, or other damages by the sea or other bodies of water.

(13) "Meander belt." ((is)) That portion of the flood plain, ((for streams which have meandered over recent times,)) that can be identified by the evidence of present and previous meanders. This shall include the present stream channel. Where there is no identified floodway,

that area which is floodprone and has similar topographic characteristics to present and historic stream channels shall be considered as a meander belt.

(14) ("Regulatory floodway") means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base (one hundred year frequency) flood without cumulatively increasing the water surface elevation more than a designated height.) "Public benefit." Benefit to the health, safety, or general welfare of the citizens of the state or community at large which results from a flood control project or plan, or some benefit by which their rights or liabilities are affected such as an effect on public property or facilities owned or maintained by an eligible municipal corporation.

(15) "Special district." A district as defined in chapter 85.38 RCW which is either a diking district; a drainage district; a diking, drainage, and/or sewerage improvement district; an intercounty diking and drainage district; a consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or a flood control district.

AMENDATORY SECTION (Amending Order DE 85-10, filed 6/21/85)

WAC 173-145-030 ELIGIBILITY CRITERIA FOR FCAAP FUNDS. Criteria to be used in determining eligibility ((of an)) for FCAAP ((project application)) funds are as follows:

(1) Eligible municipal corporation. The applicant must be an eligible municipal corporation as defined in WAC 173-145-020 ((5))(6).

(2) Public benefit. ((It shall be clearly demonstrated)) The applicant must demonstrate that ((the)) their comprehensive flood control management plans and flood control maintenance projects shall ((display a)) further the general public and state interest as differentiated from a private interest and that they shall bring about public benefits commensurate with FCAAP funds provided.

(3) Comprehensive flood control management plan. The requirements of WAC 173-145-040 must be complied with by the appropriate local authority with flood control jurisdiction over the area where the proposed project is located.

(4) Flood plain management activities. The appropriate local authority within whose jurisdiction projects are located shall be engaging in ((those certain)) approved flood plain management activities as described in WAC 173-145-050.

(5) Budget report. Any eligible municipal corporation seeking FCAAP funds shall submit its annual budget for flood control purposes to the county engineer within thirty calendar days after its final adoption. The county engineer shall then forward the budget report for eligible municipal corporations and for the county ((shall be submitted to WDOE by the county engineer not later than February 15 of every year)) to ecology. The information will provide the basis for preparation of a preliminary plan for the most beneficial and orderly allocation of FCAAP funds. Soil conservation districts shall be exempt from the provisions of this section.

AMENDATORY SECTION (Amending Order DE 85-10, filed 6/21/85)

WAC 173-145-040 COMPREHENSIVE FLOOD CONTROL MANAGEMENT PLAN (CFCMP). The county engineer of the county within which the maintenance project is located must certify that the ((plan)) CFCMP has been completed and adopted by the appropriate local authority or is being prepared. Comprehensive flood control management plans, and any revisions to the plans, must be approved by ecology, in consultation with the department of fisheries and game. The ((comprehensive plan)) (CFCMP) must be completed and adopted within three years of the date that it is certified as being prepared. If, after the three-year period has elapsed, such a plan has not been completed and adopted, grants for flood control maintenance projects shall not be made to the county for projects by the appropriate local authority until the CFCMP is completed and adopted by the appropriate local authority. During the three-year period, projects within a drainage area, designated as the CFCMP study area, may be funded as part of a phased project plan, provided preliminary studies for the CFCMP have been conducted to identify the one-hundred year frequency flood plain problem areas, and factors contributing to flooding; and provided that the proposed projects have been prioritized to achieve the greatest efficiency in flood control for the overall CFCMP study area. These limitations on grants shall not preclude allocations for emergency purposes made pursuant to RCW 86.26.060. The appropriate local authority may require the applicant to fully or partially fund the preparation of the CFCMP. The plan must include:

- (1) Determination of the need for flood control work.
- (a) Description of the watershed.
- (b) Identification of types of watershed flood problems.
- (c) Location and identification of specific problem areas.
- (d) Description of flood damage history.
- (e) Description of potential flood damages.
- (f) Short-term and long-term goals and objectives for the planning area.
- (g) Description of regulations which apply within the watershed, including but not limited to local shoreline management master programs, and zoning, subdivision, and flood hazard ordinances.
- (h) Determination of instream flood control work being consistent with applicable policies and regulations.
- (2) Alternative flood control work.
- (a) Description of potential measures of instream flood control work.
- (b) Description of alternatives to instream flood control work.
- (3) Identification and consideration of potential impacts of instream flood control work on the following instream uses and resources.
 - (a) Fish resources.
 - (b) Wildlife resources.
 - (c) Scenic, aesthetic, and historic resources.

- (d) Navigation.
- (e) Water quality.
- (f) Hydrology.
- (g) Existing recreation.
- (h) Other.

(4) Area of coverage for the comprehensive plan shall include, as a minimum, the area of the one-hundred year frequency flood plain within a reach of the watershed of sufficient length to ensure that a comprehensive evaluation can be made of the flood problems for a specific reach of the watershed. The plan may or may not include an entire watershed. Comprehensive plans shall also include flood hazard areas not subject to riverine flooding such as areas subject to coastal flooding, flash flooding, or flooding from inadequate drainage. Either the meander belt or ((regulatory)) floodway shall be identified on aerial photographs or maps which will be included with the plan.

(5) Conclusion and proposed solution(s). The CFCMP shall be finalized by the following action from the appropriate local authority:

- (a) Evaluation of problems and needs;
- (b) Evaluation of alternative solutions;
- (c) Recommended corrective action(s) with proposed impact resolution measures for resource losses; and
- (d) Corrective action priority.

(6) A certification from the state department of community development that the local emergency management organization is administering an acceptable comprehensive emergency operations plan.

AMENDATORY SECTION (Amending Order DE 85-10, filed 6/21/85)

WAC 173-145-050 FLOOD PLAIN MANAGEMENT ACTIVITIES. ((To be eligible for FCAAP funding, the appropriate local authorities within whose jurisdiction the)) Local jurisdictions within which flood control maintenance projects are located, must be engaging in flood plain management activities ((which will protect or prevent flood damages from occurring to future structures, works, and improvements within their jurisdiction. The department of ecology shall find that they are)). Pursuant to chapter 86.26 RCW the director of the department of ecology must approve the flood plain management activities of the county, city, or town having jurisdiction over the area where the project will be located. To be eligible for FCAAP funding the local jurisdiction shall be required to:

(1) ((Participating)) Participate in the National Flood Insurance Program (NFIP) and ((meeting)) meet all of the NFIP requirements.

(2) ((Certify through the state department of emergency management that the local emergency management organization is administering an acceptable comprehensive emergency operations plan.

(3) Restricting)) Restrict land uses within the meander belt or floodway of rivers to only flood compatible uses. Where applicable, adopted shoreline management master programs will be considered a minimum land use measure.

AMENDATORY SECTION (Amending Order DE 85-10, filed 6/21/85)

WAC 173-145-060 FCAAP PROJECT APPLICATION PROCESS. The project application process for the eligible municipal corporations' applications shall include the following in the general sequence given.

(1) The applicant shall prepare the project application to comply with the provisions of chapter 86.26 RCW and this chapter. The application shall be made on a form furnished by ((WDOE)) ecology. A complete application shall include the following:

(a) A written description ((and cost estimate)) of the project containing the following as a minimum: Name of applicant, name of affected water body, project summary, location, amount of local match, and proposed local funding source;

(b) A detailed cost estimate identifying major project elements;

(c) A ((vicinity)) map ((and sketch)) to identify water body names, stream river mile, section–township–range;

((c) A general plan drawing of the project on an "8 1/2 x 11" or "8 1/2 x 14" sheet) (d) Construction plans; and

((d)) (e) A description of the project benefits which describe how the project will mitigate flood damages and describe development which exists on adjacent and nearby lands which are protected by the facility.

(2) The applicant shall review the preliminary project proposal with the county engineer, the Washington departments of fisheries or game and the department of natural resources and any affected Indian tribes.

(3) The applicant shall submit a prioritized list of project applications to the county engineer.

(4) The county engineer shall submit a prioritized list of all project applications within the county to ((WDOE)) ecology.

(5) The county engineer shall furnish evidence to ((WDOE)) ecology that the comprehensive flood control management plan described in WAC 173-145-040 is being prepared or is completed and adopted by the appropriate local authority or ((underway)) and the flood plain management activities described in WAC 173-145-050 are being implemented.

AMENDATORY SECTION (Amending Order DE 85-10, filed 6/21/85)

WAC 173-145-070 FCAAP PROJECT APPROVAL PROCESS. The project approval process for the eligible municipal corporations' applications shall include the following in the general sequence given.

(1) ((WDOE)) Ecology will review all projects for compliance with the requirements pursuant to this chapter and chapter 86.26 RCW.

(2) ((WDOE)) Ecology shall consult with the state departments of fisheries((;)) and game((, and)) in the development of a project priority list. The state department of natural resources ((and any)), affected Indian tribes ((regarding the list of projects)), and other affected parties may review and comment on the proposed project plans prior to approval.

(3) ((WDOE will incorporate the prioritized list of eligible projects into its biennial budget for funding.))

((4) WDOE)) Thirty days public notice shall be given that the project priority list will be the subject of a public hearing. Notice of this hearing shall appear in the state register pursuant to chapter 34.08 RCW.

((4) The project priority list will be available at the flood plain management section of the department of ecology, at least fifteen days prior to the public hearing.)

((5) The public comments will be reviewed and ecology shall approve the project priority list as proposed or as revised in accordance with public comments.)

((6) Ecology shall prepare and finalize the written agreements with the counties.)

((7) The counties shall prepare and finalize the written agreements with the involved eligible municipal corporations within the county.)

((8) The construction plans and specifications shall be prepared by the applicant for approval by the county engineer prior to submission to ((WDOE)) ecology for review and approval of each project for compliance with all requirements.)

((9) The applicant shall acquire the necessary federal, state, and local permits or authorizations along with any other permission required to complete the project.)

AMENDATORY SECTION (Amending Order DE 85-10, filed 6/21/85)

WAC 173-145-080 ((PRIORITY OF FCAAP PROJECTS)) CRITERIA FOR ALLOCATION OF FUNDS. The priority given to projects by ((WDOE)) ecology, the counties, and other eligible municipal corporations shall involve consideration of the following criteria:

(1) The relationship of public benefits ((from the project shall be commensurate with the amount of FCAAP funds granted for the project. Higher priorities will be given to those projects which display greater public benefits as they relate)) to ((the)) total project costs.)

(2) ((The priority given to the projects by WDOE shall consider)) The priority which has already been established by each county.

(3) Intensity of local flood control management problems, including but not limited to their inter-relationships with:

- (a) Population affected;
- (b) Property and related development affected;
- (c) Land management and zoning;
- (d) Existing flood control management practices.

(4) Where the CFCMP is completed and adopted, the following will be considered:

- (a) Consistency with the plan or plan recommendations;
- (b) Priority of project as identified in the plan;
- (c) Implementation of plan or plan recommendations;
- (d) Potential impacts of instream uses and resources;
- (5) Where a CFCMP is being developed or has not been initiated, the following will be considered:

- (a) Evidence of multijurisdictional cooperation necessary for development of a comprehensive county or multicounty comprehensive flood control management plan (CFCMP);
- (b) Availability of qualified personnel or resources for planning purposes;
- (c) Availability of qualified personnel or resources for project construction purposes;
- (d) Other planning efforts undertaken or proposed within the planning jurisdiction and their relationship to flood control management;
- (e) Ability to make rapid progress toward development of a comprehensive flood control management plan;
- (f) Existing and proposed participation of community groups, private industry, professional organizations, the general public, and others toward the development and implementation of the proposed comprehensive flood control management plan.

AMENDATORY SECTION (Amending Order DE 85-10, filed 6/21/85)

WAC 173-145-090 FLOOD CONTROL ASSISTANCE ACCOUNT ((CONTRIBUTIONS AND PROJECT MATCH)) FUNDING AND MATCHING REQUIREMENTS. ((The following criteria shall be used regarding the FCAAP funding for all projects:

((1) The amount of FCAAP contributions for any project shall not exceed fifty percent of the total project construction cost.

((2) The total FCAAP contribution for all nonemergency projects in any county shall not exceed \$500,000 per biennium.

((3) \$3.4 million per biennium will be obligated on a priority basis for nonemergency projects.

((4) Up to \$500,000 per biennium will be funded on a priority basis by WDOE when determined that unused emergency funds are available for nonemergency projects.

((5) Up to \$100,000 per biennium may be used for WDOE administrative costs.)) The flood control assistance account is established at four million dollars at the beginning of each biennium. The following criteria shall be used for allocating FCAAP funds:

((1) The amount of FCAAP funding for any project, except emergency projects described in WAC 173-145-100, shall not exceed fifty percent of the total project cost, including planning and design costs.

((2) The amount of FCAAP funds to prepare a CFCMP shall not exceed seventy-five percent of the full planning costs.

((3) The amount of FCAAP funds available for all nonemergency projects and CFCMP's in any county shall not exceed five hundred thousand dollars per biennium.

((4) In addition to the limits in subsection (3) of this section, an agency formed under chapter 86.13 RCW shall be allowed up to one hundred thousand dollars in FCAAP funds per biennium.

((5) In those areas where a designated CFCMP area extends into two or more jurisdictions, costs for a CFCMP may be shared by the involved local authorities.

AMENDATORY SECTION (Amending Order DE 85-10, filed 6/21/85)

WAC 173-145-100 EMERGENCY FUND ADMINISTRATION. Funds shall be available for flood control projects in response to unusual, unforeseeable, and emergent flood conditions and shall be allocated in amounts adequate for the preservation of life and property. The following criteria shall be the basis of allocating the emergency funds ((moneys)):

((1) Appropriations from the FCAAP fund for emergency projects will require the declaration of an emergency by the appropriate local authority.

((2) Application for emergency funds must be made on the same form used for nonemergency fund applications.

((3) Payment of FCAAP funds for emergency projects will be based on project construction costs. Flood fighting costs may be included.

((4) Payment ((from the)) for emergency ((fund)) work shall be allocated on a first-come first-serve basis and shall not be based on any priority system.

((5) ((Emergency project grants shall be approved by the director of the department of ecology.

((6) The maximum amount of money allocated for emergency projects shall be \$500,000 per biennium.

((7)) At the discretion of ((WDOE)) ecology, emergency funds may be made available for use on nonemergency projects ((when future emergencies are improbable)).

((8)) ((6) The maximum amount of emergency funds initially available for any one county is ((+\$50,000)) one hundred fifty thousand dollars per biennium. If the total ((+\$500,000 is not used by other counties, and)) available emergency ((work exceeds \$150,000 in a county,)) funds are not needed by other counties and the amount of emergency funds needed in a county exceeds one hundred fifty thousand dollars the county can request additional emergency funds.

((9)) ((7) The flood control assistance account contribution shall not exceed eighty percent of the eligible project cost of an emergency project.

((8) Emergency funds will only be made available to projects which have been given approval for matching funds by the department of ecology prior to construction work being performed.

AMENDATORY SECTION (Amending Order DE 85-10, filed 6/21/85)

WAC 173-145-110 MULTI(=)YEAR PROJECTS. Approval for eligibility by ((WDOE)) ecology will only be required once for a project which continues more than one biennium, but funding ((after the first)) for each subsequent biennium is subject to further FCAAP appropriation by the legislature.

AMENDATORY SECTION (Amending Order DE 85-10, filed 6/21/85)

WAC 173-145-120 WORK STANDARDS FOR ALL FCAAP PROJECTS. All work which is funded from the flood control assistance account shall conform to the standards and specifications of ((the U.S. Army

~~Corps of Engineers, the U.S. Department of Agriculture Soil Conservation Service or)) the county engineer.~~

AMENDATORY SECTION (Amending Order DE 85-10, filed 6/21/85)

WAC 173-145-130 PROJECT CONSTRUCTION MONITORING. The following are the responsibilities and criteria for project construction monitoring and final approval(:):

(1) County engineer responsibilities. Associated with responsibility for project plan approval and supervision of the project work, the county engineer shall provide inspection to assure that all project work is conducted and completed according to the construction plans and specifications.

(2) ((WDOE)) Ecology's responsibilities. The authorized representative of the department of ecology shall ((monitor)) have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of monitoring and ((inspect)) inspecting the project work as necessary to assure compliance with the terms of the appropriate written agreement. The authorized representative of the department of ecology is the contract officer and shall be identified in the written agreement. The county engineer will be informed prior to any inspection for purposes of construction monitoring and guidance by any representative of ecology other than the contract officer. Representatives of ecology may observe the construction process without prior notification of the county engineer.

(3) Final inspection and approval. Upon completion of the work, a final detailed inspection shall be made by the county engineer along with representatives from ((WDOE)) ecology and the applicant. Results of the final inspection shall be displayed in a written report prepared by ecology and, when appropriate, on "as built" construction plans. ((These)) "As built" construction plans shall be submitted to ((WDOE)) ecology within thirty days after the final project inspection.

AMENDATORY SECTION (Amending Order DE 85-10, filed 6/21/85)

WAC 173-145-140 WRITTEN AGREEMENTS. Written agreements will be prepared by ((WDOE)) ecology as a means to reimburse eligible municipal corporations for work done on approved eligible projects or for development of CFCMP's. ((The dollar amount specified in the written agreements shall not exceed the estimated cost(s) of the project(s) as displayed on the project application(s).)) Written agreements, billing, and payment shall comply with ((the WDOE)) ecology's standard requirements for grants and contracts. Notification is required when written agreements will not be accepted or executed to allow ecology the opportunity to award prioritized, unfunded projects.

NEW SECTION

WAC 173-145-155 APPROVAL OF CHANGES TO WRITTEN AGREEMENTS. All flood control

maintenance and comprehensive flood control management planning (CFCMP) projects subject to the provisions of this regulation shall be conducted in accordance with the plans, specifications, and conditions approved by ecology. Any contemplated changes during construction or planning process which are significant deviations from conditions of the approved agreement, shall first be submitted to ecology for approval. Any changes to the total cost of the project following execution of the written agreement must be submitted to ecology for approval prior to construction or plan completion.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-145-150 EQUIPMENT RENTAL.

**WSR 87-04-023
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**
[Filed January 28, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning juvenile parole revocation, new chapter 275-30 WAC;

that the agency will at 10:00 a.m., Tuesday, March 10, 1987, in the Auditorium, OB-2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 11, 1987.

The authority under which these rules are proposed is RCW 13.40.210.

The specific statute these rules are intended to implement is RCW 13.40.210.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 10, 1987.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Leslie F. James, Director
Administrative Services
Department of Social and Health Services
Mailstop OB 39
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by February 24, 1987. The meeting site is in a location which is barrier free.

Dated: January 26, 1987
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Adopt chapter 275-30 WAC.

Purpose: To establish procedures for the revocation of juvenile parole.

Reason: There currently is no codified procedure for revoking parole of a juvenile who has violated statutory parole conditions.

Statutory Authority: RCW 13.40.210.

Summary: This chapter would provide definitions, specify conditions of parole, determine circumstances under which a parolee may be arrested and detained for an alleged violation of parole conditions, provide procedures for filing a parole revocation petition, require administrative hearings, allow for the accused to waive hearings, and specific [specify] conditions of confinement when a parole is revoked.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Robert Doupe', Program Administrator, Division of Juvenile Rehabilitation, phone 753-1159, mailstop OB-32.

Rules are proposed by DSHS.

These rules are not necessary as a result of a federal or state law change.

No economic impact statement is required under the Regulatory Fairness Act.

Chapter 275-30 WAC JUVENILE PAROLE REVOCATION

NEW SECTION

WAC 275-30-010 DEFINITIONS. (1) "Department" means the department of social and health services.

(2) "Juvenile parole officer" means a state employee, or person under contract to the state, whose responsibilities include supervising juveniles on parole.

(3) "Juvenile parolee" means a person under age twenty-one released from a juvenile correctional facility and placed under the supervision of a juvenile parole officer.

(4) "Modification of parole conditions" means a change in the order of parole conditions provided by the juvenile parole officer with full knowledge of the change by the juvenile parolee.

(5) "Parole" means a period of supervision following release from a juvenile correctional facility, during which time certain conditions must be adhered to or a consequence from a predetermined list may be invoked.

(6) "Revocation of parole" means an action that may be initiated by a parole officer if the officer believes the juvenile parolee has violated conditions of parole.

(7) "Secretary" means secretary of the department of social and health services.

(8) "Violation" means behavior by a juvenile parolee contrary to written parole conditions.

NEW SECTION

WAC 275-30-020 CONDITIONS OF PAROLE. (1) Following a juvenile's release from a residential facility, the department may require the juvenile to comply with a program of parole in his or her community for a period no longer than eighteen months. The program of parole may require the juvenile to:

- (a) Undergo available medical or psychiatric treatment;
- (b) Report as directed to a parole officer;
- (c) Pursue a course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the department of any address change; and
- (e) Refrain from committing new offenses.

(2) An order of parole conditions, on department forms, shall be signed by the juvenile and the juvenile's parole officer.

(3) An order of parole conditions may be modified by the parole officer so long as the juvenile is given an opportunity to comment on the proposed modification prior to its taking effect.

NEW SECTION

WAC 275-30-030 PAROLE SUSPENSION, ARREST, AND DETENTION. (1) When a juvenile parole officer believes a juvenile parolee has violated a condition of parole, the officer may issue an order of parole suspension, arrest, and detention if:

(a) The juvenile parolee poses an imminent danger to himself or herself or other persons; or

(b) The juvenile parolee is unlikely to voluntarily appear at a parole revocation hearing.

(2) The order of parole suspension, arrest, and detention, on department forms, shall include a complete statement of the nature of violation and the date thereof.

(3) Copies of the order of parole suspension, arrest, and detention shall be sent to the appropriate local law enforcement agencies and to the detention facility.

(4) A juvenile parolee held in detention for an alleged violation of parole conditions is entitled, within twenty-four hours (excluding Saturdays, Sundays, and holidays) of being placed in detention, to an informal hearing to determine whether there is probable cause to believe a parole violation occurred and whether continued detention pending a parole revocation hearing is necessary. The hearing shall be conducted by a parole supervisor or designee. The parole supervisor or designee shall interview both the juvenile parolee and the juvenile parole officer suspending the parole. Immediately following the hearing, the parole supervisor or designee shall issue a decision, on department forms, either releasing the juvenile parolee or authorizing continued detention. In no event shall a juvenile parolee be held in detention longer than seventy-two hours (excluding Saturdays, Sundays, and holidays) without a parole revocation petition being filed as required.

NEW SECTION

WAC 275-30-040 PAROLE REVOCATION PETITION. (1) If a juvenile parole officer believes a juvenile parolee has violated a condition of parole, the juvenile parole officer may file a parole revocation petition. The petition, on department forms, shall include the following:

(a) A statement of the nature of the violation and date thereof;

(b) The number of days of confinement sought by the juvenile parole officer as a result of the violation;

(c) Notice of the time, date, and location of the parole revocation hearing; and

(d) Notice of the juvenile parolee's right to be represented by an attorney.

(2) The parole revocation petition shall be filed with the state office of administrative hearings. A copy of the petition shall be served either personally or by certified mail, return receipt requested, on the juvenile parolee or the juvenile parolee's attorney, and on the juvenile parolee's parents or guardian. Another copy shall be filed with the secretary or his or her designee.

NEW SECTION

WAC 275-30-050 WAIVER OF HEARING. A juvenile parolee, through his or her attorney, on department forms, may waive the right to a parole revocation hearing and agree to the parole revocation proposed by the juvenile parole officer.

NEW SECTION

WAC 275-30-060 PAROLE REVOCATION HEARING. (1) Unless waived by the juvenile parolee, a parole revocation hearing shall be held on every parole revocation petition for the purpose of determining whether the alleged parole violation occurred. If the juvenile parolee is held in detention pursuant to WAC 275-30-030, the hearing shall be held within seventy-two hours (excluding Saturdays, Sundays, and holidays) of service of the petition. Otherwise the hearing shall be held within fourteen days of service of the petition.

(2) Parole revocation hearings shall be conducted by an administrative law judge employed by the state office of administrative hearings in accordance with chapter 1-08 WAC. Any alleged violation must be proved by a preponderance of the evidence. If the administrative law judge finds the alleged violation did occur, the number of confinement

days sought in the parole revocation petition shall be imposed. Immediately following the hearing, the administrative law judge shall issue an oral decision. Within forty-eight hours following the hearing, the administrative law judge shall issue a written decision. The decision shall constitute a final administrative decision. A copy of the decision shall be provided the juvenile parole officer, the juvenile paroled, the juvenile paroled's parents or guardian, and the secretary or his or her designee.

NEW SECTION

WAC 275-30-070 CONFINEMENT. Maximum period of confinement for violating parole is thirty days in a facility operated by or under contract with the state of Washington. Confinement may be continuous, or for a portion of each day, or for certain days each week with the balance of time under supervision: PROVIDED, That if a juvenile paroled's parole is revoked two or more times, the secretary or designee may, at his or her discretion, reduce any period of confinement exceeding a total of thirty days during one parole period. Credit against any period of confinement shall be given for days served in detention pending a parole revocation hearing. Confinement shall be served in a county detention facility unless otherwise ordered by the secretary or his or her designee.

**WSR 87-04-024
PROPOSED RULES
STATE PATROL**

[Filed January 28, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Patrol intends to adopt, amend, or repeal rules concerning Private carriers—Drivers qualification and hours of service standards.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 11, 1987.

The authority under which these rules are proposed is RCW 46.73.010 and 46.73.020.

The specific statute these rules are intended to implement is chapter 46.73 RCW.

This notice is connected to and continues the matter in Notice No. WSR 87-01-100 filed with the code reviser's office on December 22, 1986.

Dated: January 28, 1987

By: Kenneth E. Graves, Commander
Commercial Vehicle Enforcement Section

WSR 87-04-025

**ADOPTED RULES
BOARD FOR**

COMMUNITY COLLEGE EDUCATION

[Order 113, Resolution No. 87-1—Filed January 28, 1987]

Be it resolved by the State Board for Community College Education, acting at Centralia, Washington, that it does adopt the annexed rules relating to the schedule of regular meetings for 1987.

This action is taken pursuant to Notice No. WSR 86-74-032 [86-24-032] filed with the code reviser on November 25, 1986. These rules shall take effect thirty

days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28.B.50.070 [28B.50.070] and 42.30.075 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 21, 1987.

By Gilbert J. Carbone
Assistant Director
Policy and Special Projects

AMENDATORY SECTION (Amending Order 106, Resolution No. 86-1, filed 2/7/86)

WAC 131-08-010 REGULAR MEETINGS OF THE STATE BOARD. The time and place of the regular meetings of the state board for calendar year ((1986)) 1987 are:

((January 22-23	South Seattle Community College
February 26-27	South Puget Sound Community College
April 2-3	Green River Community College
May 14-15	Spokane Falls Community College
June 18-19	Shoreline Community College
September 10-11	South Puget Sound Community College
October 22-23	Walla Walla Community College
December 3-4	Fort Steilacoom Community College))
January 20-21	Centralia Community College
March 4-5	Tacoma Community College
April 8-9	Lower Columbia Community College
May 13-14	Big Bend Community College
June 17-18	Columbia Basin Community College
September 9-10	South Puget Sound Community College
October 21-22	South Seattle Community College
December 2-3	Grays Harbor Community College

WSR 87-04-026

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 213, Resolution No. 222—Filed January 29, 1987]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Advertising by retail licensees, offering for sale, or selling beer, wine or spirituous liquor at less than cost—Prohibited—Exceptions, WAC 314-52-114.

This action is taken pursuant to Notice No. WSR 87-01-052 filed with the code reviser on December 16, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 66.08.060 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 29, 1987.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 173, Resolution No. 182, filed 8/5/86)

WAC 314-52-114 ADVERTISING BY RETAIL LICENSEES, OFFERING FOR SALE, OR SELLING BEER, WINE OR SPIRITUOUS LIQUOR AT LESS THAN COST—PROHIBITED—EXCEPTIONS. (1) Beer, wine, or spirituous liquor shall not be advertised, offered for sale or sold by retail licensees at less than acquisition cost plus ten percent of acquisition cost.

(2) The provisions of this section shall not apply to any sale made:

(a) In closing out in good faith the owner's stock or any part thereof for the purpose of discontinuing his trade in any such article or product and in the case of the sale of seasonal goods or to the bona fide sale of perishable goods to prevent loss to the vendor by spoilage or depreciation: PROVIDED, Notice is given to the public thereof;

(b) When the goods are damaged or deteriorated in quality, and notice is given to the public thereof;

(c) By an officer acting under the orders of any court;

(d) In an endeavor made in good faith to meet the ((legal)) prices of a competitor selling the same article or product in the same locality or trade area and in the ordinary channels of trade.

WSR 87-04-027
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1916—Filed January 30, 1987]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to apple ermine moth quarantine, chapter 16-470 WAC.

This action is taken pursuant to Notice No. WSR 86-23-016 filed with the code reviser on November 10, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 17.24 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 29, 1987.

By Michael V. Schwisow
Deputy Director

NEW SECTION

WAC 16-470-500 APPLE ERMINE MOTH—QUARANTINE. The director finds that apple ermine moth (*Yponomeuta malinellus* Zeller) is a serious defoliator of apple and crabapple (*Malus spp.*) trees; and that apple ermine moth was not known to occur in the United States until its discovery in Whatcom and Skagit counties of the state of Washington; and that this pest is well established in Europe and British Columbia, Canada and is considered to be one of the most destructive pests of apples in Europe. A quarantine is established under this chapter to prevent the spread of apple ermine moth (*Yponomeuta malinellus* Zeller).

NEW SECTION

WAC 16-470-510 APPLE ERMINE MOTH—AREA UNDER QUARANTINE. The following areas are declared by the director to be under quarantine for apple ermine moth (*Yponomeuta malinellus* Zeller): Interior quarantine: Skagit and Whatcom counties.

NEW SECTION

WAC 16-470-520 APPLE ERMINE MOTH—COMMODITIES UNDER QUARANTINE. Commodities under quarantine for apple ermine moth (*Yponomeuta malinellus* Zeller) are all apple and crabapple (*Malus spp.*) trees and parts thereof except fruit.

NEW SECTION

WAC 16-470-530 APPLE ERMINE MOTH QUARANTINE—RESTRICTIONS—REQUIREMENTS. No quarantined commodities for apple ermine moth (*Yponomeuta malinellus* Zeller) may be moved from areas under quarantine (see WAC 16-480-510) except under the following conditions:

(1) All quarantined commodities have been inspected by the department; and/or

(2) All quarantined commodities have been treated for apple ermine moth as prescribed by the department; and

(3) An official inspection document has been issued by the department indicating that the quarantined commodities have been inspected and/or treated as prescribed by the department.

WSR 87-04-028
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-05—Filed January 30, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is stocks of true cod are at historic low levels, and this emergency conservation regulation is needed until permanent closure regulations take effect.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 30, 1987.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-48-01500W TRUE COD CLOSURE.
Notwithstanding the provisions of WAC 220-48-015, effective immediately through April 14, 1987, it is unlawful to fish for or possess bottomfish taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Areas 25C or 25D.

WSR 87-04-029

NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF NATURAL RESOURCES
(Natural Heritage Advisory Council)
[Memorandum—January 30, 1987]

During 1987 the Natural Heritage Advisory Council will meet on the following dates:

March 11, 1987, 9:00 a.m. to 5:00 p.m.
The Evergreen State College, Library Room 2204
Olympia, Washington

May 13, 1987, 9:30 a.m. to 6:00 p.m.
Three Creeks Lodge, Meeting Room
Goldendale, Washington

October 28, 1987, 9:00 a.m. to 5:00 p.m.
The Evergreen State College, Library Room 2204
Olympia, Washington

For further information contact the Department of Natural Resources, Washington Natural Heritage Program, Mailstop EX-13, Olympia, WA 98504, (206) 753-2449.

WSR 87-04-030
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Commission)
[Memorandum—January 30, 1987]

The Washington State Library Commission will conduct the annual performance evaluation of the state librarian in executive session on Thursday, February 19, 1987, beginning at 10:00 a.m., in the Tacoma Room of the Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA 98188.

WSR 87-04-031
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Commission)
[Memorandum—January 30, 1987]

The Washington State Library Commission will hold its 1987 regular meetings as follows:

March 12, 1987
Timberland Regional Library
Service Center
415 Airdustrial Way S.W.
Olympia

June 11, 1987
Yakima Valley Regional Library
102 North Third Street
Yakima

September 10, 1987
Pend Oreille County Library District
116 South Washington Avenue
Newport

December 3, 1987
Sea-Tac area

WSR 87-04-032
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
[Memorandum—January 28, 1987]

The senate of the associated students of Washington State University will hold meetings at 6:30 p.m. on the following dates and at the following places during spring semester, 1987:

February 4	CUB 232
February 11	CUB 232
February 18	CUB 232
February 25	CUB 232
March 18	CUB 232
March 25	Chinook Village
April 1	Stephenson Hall
April 8	CUB 232

April 15	Scott Formal Lounge
April 22	Davis Hall
April 29	CUB 232

All of these locations are on the Washington State University Campus, Pullman, Washington.

WSR 87-04-033
NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION
[Memorandum—January 29, 1987]

At their regular meeting on January 27, 1987, the members of the Public Disclosure Commission moved to cancel their regularly scheduled February 24 meeting and schedule a special meeting on Thursday, March 5, 1987. The regular meeting scheduled for March 24, 1987, will be held as usual.

WSR 87-04-034
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
MEXICAN AMERICAN AFFAIRS
[Memorandum—January 29, 1987]

The Washington State Commission on Mexican American Affairs' 1987 meeting schedule is as follows:

February 14, 1987	Tri-Cities Pasco
April 11, 1987	Mt. Vernon
June 13, 1987	Moses Lake
August 8, 1987	Tacoma
September 12, 1987	Toppenish
December 12, 1987	Olympia

All meetings will begin at 10:00 a.m. and be held on Saturday.

WSR 87-04-035
ADOPTED RULES
COMMISSION ON
MEXICAN AMERICAN AFFAIRS
[Order 4—Filed February 2, 1987]

Be it resolved by the Washington State Commission on Mexican American Affairs, acting at the House of Representatives Office Building, Hearing Room C, Olympia, Washington, that it does adopt the annexed rules relating to amendment of WAC 322-12-010.

This action is taken pursuant to Notice No. WSR 86-21-064 filed with the code reviser on October 15, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the [Commission on Mexican American Affairs] as authorized in RCW 43.115.040.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED December 13, 1986.
By Hector Gonzalez
Executive Secretary

AMENDATORY SECTION (Amending Order 1, filed 12/9/74)

WAC 322-12-010 ESTABLISHING REGULAR MEETINGS. Pursuant to section 7, chapter 250, Laws of 1971 ex. sess., and RCW 42.30.070, regular meetings of the Commission on Mexican-American Affairs shall be held on the second Saturday of every other month, beginning at 10:00 a.m., provided there are sufficient funds in the Commission's budget. Such meetings shall be held at a place designated by the Chairman of the Commission.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 87-04-036
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed February 2, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 356-42-020 Determination of bargaining unit.
Amd WAC 356-42-082 Filing unfair labor practice charge.
Amd WAC 356-42-084 Answer to complaint—Unfair labor practice;

that the agency will at 10:00 a.m., Thursday, March 12, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 10, 1987.

Dated: January 29, 1987
By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amending WAC 356-42-020 Determination of bargaining unit.

Purpose: This rule prescribes the policy the Personnel Board will administer when evaluating requests to establish or modify a collective bargaining unit.

Statutory Authority: RCW 41.06.150.

Summary: The proposed change would amend the Personnel Board's unit determination policy as it relates to employees in supervisory positions. Under the revised rule, supervisors would normally not be placed in the same bargaining unit as their subordinates.

Reasons: The inclusion of supervisory personnel in the same bargaining unit as their subordinates creates a conflict of interest as supervisors are forced to make contract administration decisions that influence their own terms and conditions of employment.

Responsibility for Drafting: Arthur J. Morse, Personnel Manager, Department of Transportation, Transportation Building, Mailstop KF-01, Olympia, WA 98504, phone 753-7337; Implementation and Enforcement: State Personnel Board.

Proposed by: Department of Transportation, governmental agency.

Comments: The proposal would be consistent with rules administered by the Higher Education Personnel Board (WAC 251-14-030).

Result of Federal Law or Federal or State Court Action: No.

Amending WAC 356-42-082 Filing unfair labor practice charge.

Purpose: This rule outlines the procedure the charging party must follow when filing an unfair labor practice charge with the State Personnel Board.

Statutory Authority: RCW 41.06.150.

Summary: Proposed change would establish a sixty calendar day time limit for filing unfair labor practice charges with the State Personnel Board.

Reasons: While most unfair labor practice charges are filed shortly after the alleged infraction, the Personnel Board is occasionally asked to make decisions on charges filed over a year after the events in question. Such delay makes it difficult for the responding party to prepare a defense and also hinders the board's ability to fashion an effective remedy.

Responsibility for Drafting: Arthur J. Morse, Personnel Manager, Department of Transportation, Transportation Building, Mailstop KF-01, Olympia, WA 98504, phone 753-7337; Implementation: Department of Personnel; and Enforcement: State Personnel Board.

Proposed by: Department of Transportation, governmental agency.

Comments: The proposed sixty day deadline would be consistent with that contained in the Higher Education Personnel Board rules (WAC 251-14-080).

Result of Federal Law or Federal or State Court Action: No.

Amending WAC 356-42-084 Answer to complaint—Unfair labor practice.

Purpose: This rule outlines the procedure the responding party must follow when filing an answer to the unfair labor practice complaint with the Personnel Board.

Statutory Authority: RCW 41.06.150.

Summary: The proposal would extend the deadline for filing an answer to an unfair labor practice complaint from five to twenty days.

Reasons: The present five day deadline for responding to unfair labor practice complaints frequently does not provide the responding party with an adequate amount of time to prepare a response. Furthermore, the statutory impetus for the present rule was abolished by the legislature in 1983.

Responsibility for Drafting: Arthur J. Morse, Personnel Manager, Department of Transportation, Transportation Building, Mailstop KF-01, Olympia, WA 98504, phone 753-7337; Implementation: Department of Personnel; and Enforcement: State Personnel Board.

Proposed by: Department of Transportation, governmental agency.

Comments: The proposed twenty day deadline would be consistent with the deadline for responding to requests for arbitration (WAC 356-42-055(5)).

Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 147, filed 9/16/80)

WAC 356-42-020 DETERMINATION OF BARGAINING UNIT. (1) Determination, alteration, or modification of an appropriate bargaining unit shall be made by the personnel board upon petition from an employee organization, or upon the board's own motion after 20 days' notice has been given to the appointing authority and to affected employees and their representatives.

(2) Prior to an employee organization petitioning the personnel board for creation or modification of a bargaining unit, the petitioning employee organization will confer with the appointing authority on the proposed unit creation or unit modification.

(3) If an appointing authority has reason to believe that an existing bargaining unit in the appointing authority's agency or department is no longer appropriate, the appointing authority may request the personnel board to consider modification of the bargaining unit. However, if there is an employee organization certified as exclusive bargaining representative for that unit, the appointing authority will first confer with the certified employee organization on the proposed modification prior to presenting the request to the personnel board. The personnel board may choose to consider such unit modification questions and would act on its own motion as designated in 356-42-020(1).

(4) In determining a bargaining unit, the personnel board shall consider the following factors:

(a) Duties, skills and working conditions of the employees.
(b) History of collective bargaining by the employees and their representatives.

(c) Extent of organization among the employees.
(d) Desires of the employees.

(5) Any petition filed hereunder should set forth all pertinent facts and supporting reasons, as comprehensively as possible, to aid the personnel board in its determination.

(6) After a hearing on a petition, the personnel board shall enter an appropriate order containing findings of fact and conclusions.

(7) Bargaining units normally shall not include both supervisory and nonsupervisory employees.

AMENDATORY SECTION (Amending Order 177, filed 10/26/82)

WAC 356-42-082 FILING UNFAIR LABOR PRACTICE CHARGE. (1) A charge or charges that any employing agency or employee organization has committed an unfair labor practice, as defined in these rules and RCW 41.56.150, may be filed with the personnel board by any employee, group of employees, employee organization, employing agency, or their authorized agents.

(2) Unfair labor practice charges shall be filed with the director of personnel, as secretary to the personnel board, at the principal office of the department of personnel within sixty calendar days after the charging party becomes aware of the alleged unfair labor practice.

(3) Unfair labor practice charges shall be in writing in the form of a complaint of unfair labor practices, or on a form provided by the personnel board or its designee. The charge shall contain the following:

(a) The name, address and telephone number of the charging party, and the name, address and telephone number of the party's principal representative, if any.

(b) The name, address and telephone number of the party against whom the charge is being filed, and, if known, the principal representative of the charged party.

(c) Clear and concise statements of the facts constituting the alleged unfair labor practice(s), including times, dates, places and participants in occurrences.

(d) A listing of the specific unfair labor practice(s) alleged to have been committed including reference to the applicable subsection(s) of the statute and regulation defining unfair labor practices. If the charging party is not represented, this subsection may be left blank pending the investigation of the charge.

(e) A statement of the relief sought by the charging party.

(f) The signature and, if any, the title of the person filing the charge.

AMENDATORY SECTION (Amending Order 177, filed 10/26/82)

WAC 356-42-084 ANSWER TO COMPLAINT—UNFAIR LABOR PRACTICE. (1) The charged party shall have the right to file its answer to the unfair labor practice complaint with the personnel board within ((five)) twenty days of service of the complaint, ((extensive of Saturdays, Sundays, and holidays)) or within such longer period as the personnel board may allow. After the expiration of such time period, the charged party shall no longer have the right to file an answer and may do so only if the personnel board, for good cause shown, permits an answer to be filed. The charged party shall serve its answer on the charging party when it files its answer with the personnel board.

(2) The answer shall specifically admit, deny or explain each of the facts alleged in the complaint. If the charged party is without knowledge sufficient to form a belief as to the truth or falsity of any specific allegation, that fact shall be so stated and shall operate as a denial of that allegation. Failure to answer all or any part of the complaint within the time required shall, except for good cause shown, be deemed an admission of such allegation(s) not answered.

(3) Facts admitted in the answer, either by specific admission or failure to answer as required, except for good cause shown, shall be considered true for purposes of the remainder of the unfair labor practice proceeding, and shall constitute a waiver by the charged party of a hearing as to the facts so admitted.

WSR 87-04-037 WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF ECOLOGY

[Filed February 3, 1987]

Please withdraw from public consideration Notice No. WSR 87-04-019 filed January 27, 1987.

The subject of that notice will be now associated with a new file on or before February 4, 1987.

Phillip C. Johnson

WSR 87-04-038 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Filed February 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning the minimum functional standards for waste handling, amending chapter 173-304 WAC to include a requirement for maximum recycling when constructing or operating solid waste incineration or energy recovery facilities.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 11, 1987, 2:00 p.m.

The authority under which these rules are proposed is chapter 43.21A RCW.

The specific statute these rules are intended to implement is chapter 70.95 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 10, 1987.

Dated: February 2, 1987

By: Phillip C. Johnson
Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Minimum functional standards for solid waste handling, chapter 173-304 WAC.

Description of Purpose: To properly dispose of solid waste in an environmentally sound manner. To address the planning, management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes.

Statutory Authority: Chapter 43.21A RCW (establishing the Department of Ecology); chapter 34.04 RCW (Administrative Procedure Act); and chapter 70.95 RCW (solid waste management).

Summary of Rule: Amend the minimum functional standards for solid waste handling, chapter 173-304 WAC to include a requirement for maximum recycling when constructing or operating solid waste incineration or energy recovery facilities.

Agency Personnel Responsible for Drafting: R. Leighton Pratt; Implementation: Thomas Eaton; and Enforcement: Jurisdictional health department.

Person or Organization Proposing the Rule: State Representative Dick Nelson and Washington Citizens for Recycling.

Agency Comments or Recommendations Regarding Statutory Language, Implementation and Enforcement: This rule will impact local governments planning, constructing and operation of solid waste incineration or energy recovery facilities.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: No adverse economic impact.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on

more than 20% of all industries or more than 10% of the businesses in any one industry be reviewed and altered to minimize their impact upon small businesses. This regulatory proposal has been reviewed in light of that requirement. The conclusions of this review are summarized below.

This regulatory proposal sets forth a planning and program development requirement for local governments considering incineration/energy recovery as a means of handling solid waste loads. In that the proposal stresses waste reduction and recycling, it is unlikely to have an adverse impact upon any businesses—either large or small. In fact, it would not be unreasonable to expect a beneficial impact upon the recycling industry resulting from a possible increase in the volume of materials available to it.

NEW SECTION

WAC 173-304-012 PLANNING REQUIREMENTS FOR ENERGY RECOVERY OR INCINERATION FACILITIES. (1) Applicability. These standards apply only to solid waste management plans that are submitted to the department for final approval after the effective date of this section. Plans approved or conditionally approved prior to the effective date of the section must comply with these standards with their next plan update.

(2) When a local government recommends construction or operation of a public or private energy recovery or incineration facility (subject to WAC 173-304-400) in the comprehensive solid waste management plan, the local government shall conduct, as a part of the comprehensive solid waste management plan, an analysis of the maximum feasible waste reduction and recycling that could occur. At least every five years, and coincidentally with the revision of the solid waste management plan, local government shall conduct another analysis. An analysis of maximum feasible waste reduction and recycling shall take into account factors of markets, waste generation trends, waste composition, demographics, costs, disposal and collection savings, reliability, environmental protection, and private sector recycling efforts.

AMENDATORY SECTION (Amending Order 85-18, filed 10/28/85)

WAC 173-304-440 ENERGY RECOVERY AND INCINERATOR STANDARDS. (1) Applicability. These standards apply to all facilities designed to burn more than twelve tons of solid waste per day, except for facilities burning woodwaste or gases recovered at a landfill.

(2) Requirements for energy recovery facilities and incinerators.

(a) Incinerators and energy recovery facilities storing putrescible wastes shall be confined to storage compartments specifically designed to store wastes temporarily in piles, surface impoundments, tanks or containers. The storage facilities shall meet the facility standards of WAC 173-304-400. Storage of wastes other than in the specifically designed storage compartments is prohibited. Equipment and space shall be provided in the storage and charging areas, and elsewhere as needed, to allow periodic cleaning as may be required in order to maintain the plant in a sanitary and clean condition;

(b) All residues from energy recovery facilities or incinerator facilities shall be used, handled or disposed of as solid or dangerous wastes according to these standards or the standards of the dangerous waste regulation, chapter 173-303 WAC;

(c) Each owner or operator of an energy recovery facility or incinerator facility shall comply with WAC 173-304-405. The plan of operation shall address alternative storage, and/or disposal plans for all breakdowns that would result in overfilling of the storage facility;

(d) Energy recovery facilities and incinerators must be designed, constructed and operated in a manner to comply with appropriate state and local air pollution control authority emission and operating requirements;

(e) Each owner or operator shall close their energy recovery facility or incinerator by removing all ash, solid wastes and other residues to a permitted facility;

(f) Each owner or operator of an energy recovery facility or incinerator shall be required to provide recycling facilities in a manner equivalent to WAC 173-304-460 (4)(f); ((and))

(g) Owners or operators of energy recovery facilities or incinerators shall not knowingly dispose of, treat, store or otherwise handle dangerous waste unless the requirements of chapter 173-303 WAC are met; and

(h) Each owner or operator of a new or expanded energy recovery or incineration facility that has commenced construction after the effective date of this section shall design the facility to process the amount of solid waste remaining after all reasonable steps to accomplish waste reduction and recycling are taken in conformance with the analysis of WAC 173-304-012. Commenced construction shall have the meaning set forth in WAC 173-304-100(27).

WSR 87-04-039

PROPOSED RULES

STATE EMPLOYEES INSURANCE BOARD

[Filed February 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Employees Insurance Board intends to adopt, amend, or repeal rules concerning the amending of WAC 182-12-210;

that the agency will at 9:15 a.m., Friday, March 13, 1987, in the Department of Transportation, Materials Lab Building, Tumwater, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 41.05 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 4, 1987.

Dated: February 3, 1987

By: C. H. Shay

Assistant Benefits Manager

STATEMENT OF PURPOSE

WAC 182-12-210 Extended self-pay medical and dental coverage.

Statutory Authority: Chapter 41.05 RCW.

WAC 182-12-210 sets forth required provisions of federal law, P.L. 99-272, which allows continuation of medical and dental coverage on a self-pay basis. The amendments to this rule reflect clarifications published by the federal government.

Responsible for Drafting, Implementation and Enforcement: C. H. Shay, Assistant Benefits Manager, Department of Personnel, Insurance Benefits Division, 1400 Evergreen Park Drive S.W., Olympia, WA 98504, mailstop FX-11, phone 753-2364, scan 234-2364.

Proposed by: State Employees Insurance Board.

Agency Comments: None.

Amendment is necessary due to federal law changes.

AMENDATORY SECTION (Amending Resolution No. 86-3, filed 8/5/86)

WAC 182-12-210 EXTENDED SELF-PAY MEDICAL AND DENTAL COVERAGE. In accordance with federal law, the Consolidated Omnibus Budget Reconciliation Act (COBRA), employees and dependents not otherwise enrolled in SEIB employer-funded coverage may continue their SEIB ((employee)) medical and dental coverage

((may be continued)) by self-payment of premium according to the following guidelines:

(1) Employees and/or their enrolled dependents may continue ((their and their eligible dependents)) coverage for up to eighteen months following the month in which either of the following qualifying events occur: (a) The employee is terminated (other than by reason of gross misconduct – see WAC 182-12-220 for appeal of dismissal) or (b) the employee would otherwise lose coverage due to reduction in hours of employment.

(2) ((Eligible)) Enrolled dependents of employees may continue their coverage for up to thirty-six months following the month in which the first of any of the following qualifying events occur: (a) The employee dies (except as provided under WAC 182-12-122), (b) the ((spouse)) employee becomes divorced, or (c) a child ceases to be a dependent child under the requirements of the plan. Should more than one qualifying event occur, the maximum period a dependent may continue coverage under this section shall be thirty-six months.

(3) Continuation of coverage may be for medical only or for medical and dental, but not dental only, and each enrolled family member is entitled to make a separate selection of these options.

(4) Coverage continued under this ((chapter)) section shall be secondary to any other employer group coverage the person may have.

(5) ((Continuation)) Continued coverage ((may)) will be terminated when (a) the plan terminates, ((or)) (b) premium is not paid within the grace period stated in subsection (8) of this section, or (c) the person becomes covered in SEIB employer-funded coverage.

(6) NOTICE REQUIREMENTS:

(a) ((Prior to July 1, 1986)) At the time their coverage commences under the plan, the employer shall provide to each ((covered)) new employee written notice of the ((continuation coverage required under this chapter). Similar notice must be given to new employees at the time their coverage commences under the plan)) option to continue coverage as stated in this section.

(b) It is the employee's or dependent's responsibility to notify the employer of the employee's divorce ((of spouse)) or of a child ceasing to be an eligible dependent within sixty days of the qualifying event.

(c) When the employer learns of ((an employee's death, termination or other loss of eligibility under the plan, or receives notice of a)) any qualifying event ((described in (b) of this subsection,)) the employer must notify the employee (or surviving dependent) of the rights of this ((chapter)) section within fourteen days of the receipt of this information.

(7) ELECTION ((or)) TO CONTINUE COVERAGE: ((An eligible)) Enrolled persons ((may)) must make their election to continue coverage ((during)) within a period of sixty days following a qualifying event or following the date notice is received from the employer, whichever is later.

(8) PREMIUM REQUIREMENTS: Payment of premium for ((continuation)) continued coverage must be made within forty-five days of the date of election ((of coverage)). Premium ((is payable)) must be paid retroactive to the ((date of)) first of the month following the qualifying event. Thereafter, premiums are due on the first of each month, subject to a thirty-day grace period.

(9) CONVERSION OPTION: Within a period of thirty-one days following the expiration of a person's ((continuation)) continued coverage, the person may ((transfer to)) purchase an individual conversion ((plan which is otherwise available under the SEIB plan)) policy.

Personnel, 600 South Franklin, Olympia, WA 98507-1789, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 10, 1987.

Dated: February 2, 1987

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amending WAC 356-15-030 Overtime provisions and compensation.

Purpose: Identifies conditions which constitute overtime, and also identifies method of overtime compensation.

Summary and Reasons: Deletes the portion of the rule which identifies that the state need not pay for overtime resulting from an employee request for a change in work schedule; proposal to insert the language in WAC 356-15-090 which deals primarily with overtime pay for change in schedules.

Result of Federal Law or Federal or State Court Action: No (however, is related to court decision and subsequent congressional amendments which made the Fair Labor Standards Act applicable to state and local governments).

Amending WAC 356-15-090 Schedule change and compensation.

Purpose: Outlines conditions under which overtime must be paid when an employer changes an employee's work schedule.

Summary: Part of a package with proposed changes to WAC 356-05-480 and 356-05-500 which redefine workweek and workday. The entire package would allow agencies to set the workweeks, and to allow approval of employee requests to change scheduled hours of work without incurring overtime liability. It would retain present employee rights to overtime for agency-initiated changes to an earlier starting time.

Reasons: Fair Labor Standards Act recently made the state liable for overtime when employees requested to start any day or week earlier than the previous schedule would have required. This was contrary to Personnel Board intent when they approved the rules in their present form.

Result of Federal Law or Federal or State Court Action: Yes, FLSA (Fair Labor Standards Act). Various parts and interaction too voluminous to attach. The net result of the proposed changes would be to keep the state's overtime responsibility within the same limits it was prior to the supreme court application of FLSA to state governments.

Responsibility for Drafting: Gail Salisbury, Personnel Analyst, Department of Personnel, 600 South Franklin, Mailstop FE-11, Olympia, WA 98507-1789, phone

WSR 87-04-040 PROPOSED RULES DEPARTMENT OF PERSONNEL (Personnel Board) [Filed February 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 356-15-030 Overtime provisions and compensation.

Amd WAC 356-15-090 Schedule change and compensation;

that the agency will at 10:00 a.m., Thursday, March 12, 1987, in the Board Hearings Room, Department of

753-5383; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Comments: None.

AMENDATORY SECTION (Amending Order 260, filed 10/10/86, effective 12/1/86)

WAC 356-15-030 OVERTIME PROVISIONS AND COMPENSATION. (1) The following conditions constitute overtime:

(a) For full-time employees, work in excess of the workshift within the work day.

(b) Work in excess of forty working hours in one workweek or eighty working hours in a scheduled fourteen consecutive day period as authorized under WAC 356-15-020 (2)(a)(ii).

(c) Work on a holiday (except Sunday when it is within the assigned workshift).

(d) Work on a scheduled day off.

(e) Time worked in excess of the 28-day work period by law enforcement positions.

(2) Scheduled work period employees shall receive overtime compensation for work which meets subsection (1)(a) through (d) of this section. ((However, an agency is not obligated to pay overtime due to a change in the work day or workweek, when such change is in response to a written request from an employee for employee convenience, and the employee still works no more than forty hours during a workweek.))

(3) Nonscheduled work period employees shall receive overtime compensation for work which meets subsection (1)(b) through (d) of this section and may be paid overtime compensation for work which meets subsection (1)(a) of this section.

(4) Law enforcement positions have a one hundred sixty-hour, twenty-eight-day work period, rather than a forty-hour workweek.

(a) When the combination of credited work hours (vacation, sick leave, holidays, or compensatory time) and actual work hours exceeds one hundred sixty hours, the employee shall be compensated at time and one-half rates in cash or compensatory time at the option of the agency.

(b) Overtime compensation for actual work in excess of one hundred seventy-one hours in a work period may be in the form of compensatory time off if the employee and the agency agree.

(c) Assigned, actual work on a holiday shall be considered as work in excess of one hundred sixty hours.

(d) For the positions receiving assignment pay for an extended work period, the following special provisions apply:

(i) These law enforcement classes or positions have a one hundred seventy-one-hour, twenty-eight-day work period, for which they receive four ranges (approximately ten percent) above the base salary range.

(ii) When the combination of credited work hours and actual work hours exceeds one hundred seventy-one hours, the employee shall be compensated at time and one-half rates. Compensation may be in the form of compensatory time off if the employee and the agency agree.

(iii) Assigned, actual work on a holiday shall be considered as work in excess of one hundred seventy-one hours.

(5) Exceptions work period employees are not required to be compensated beyond their regular monthly rate of pay for work which meets subsection (1)(a) through (d) of this section. However, they may be compensated or granted exchange time for any of those conditions if their appointing authority deems it appropriate.

(a) If overtime compensation is authorized, the appointing authority may fix the rate, not to exceed the overtime rate (WAC 356-05-231). As indicated in subsection (5) of this section, the agency and the employee may agree to use compensatory time off in lieu of cash; in that event, the rules covering liquidation of compensatory time apply.

(b) Exchange time may be authorized for any number of hours worked beyond the exceptions work period employee's normal hours of work. For those hours authorized, the rate shall be equal hours off for those worked. Exchange time can be accrued to a limit determined by each agency, not to exceed one hundred seventy-four hours. The exchange time accrual for incumbents in the class of youth development and conservation corps camp supervisor only may be increased to four hundred eighty hours by the employing agency.

(c) Employees must be allowed, and may be required, to use all exchange time in excess of eighty hours prior to each April 1 and October 1, or other semiannual dates fixed by an agency and made known

to ((it[s])) its employees and the director of personnel by that agency's director. As an exception to the above, the director of personnel may establish a single annual date based on the special needs of the requesting agency. Employees must exhaust their exchange time before using compensatory time or vacation leave unless this would result in a loss of accumulated leave.

(d) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.

(e) Exchange time has no cash liquidation value. However, employees voluntarily terminating from state service or transferring to another agency must be offered the opportunity to postpone their cessation of employment by the granting agency until their accumulated, authorized exchange time has been used. Employees who were separated due to a reduction in force or disability separation are entitled to reinstatement of accumulated exchange time if they are rehired on a permanent basis by the granting agency within three years of separation.

(6) Overtime shall be compensated in accord with the provisions of WAC 356-14-230 through 356-14-265.

(7) Part time employees whose positions are in job classes designated as scheduled, nonscheduled, or law enforcement shall receive overtime compensation for work which meets subsection (1)(b) or (c) of this section.

AMENDATORY SECTION (Amending Order 248, filed 5/28/86, effective 7/1/86)

WAC 356-15-090 SCHEDULE CHANGE AND COMPENSATION. (1) The appointing authority shall schedule the working days and hours of scheduled work period employees. This schedule shall remain in effect for at least seven calendar days, and may be changed only with seven or more calendar days notice. If seven calendar days notice is not given, a new schedule does not exist until the notice period expires. Agencies may notify employees of more than one future schedule change in a single notice.

The seven calendar days notice of changes in working days and/or hours must be given to the affected employees during their scheduled working hours. The day that notification is given shall constitute a day of notice.

(2) If the appointing authority changes the assigned hours or days of scheduled work period employees without giving them at least seven days notice of the change, employees will be paid for all time worked outside the scheduled hours or days at the overtime rate for the duration of the notice period.

(a) When changes in employees' assigned hours or days are made without proper notice, employees may work their scheduled hours or days unless the appointing authority deems that:

(i) The employees are unable to perform satisfactorily as the result of excessive overtime hours; or

(ii) The work which normally would have been performed within the scheduled hours or days cannot be performed.

(b) The state is not obligated to pay for those scheduled hours or days not worked, unless the employee is on an authorized leave of absence with pay.

(c) Overtime pay and shift or schedule change pay shall not be paid for the same incident.

(3) Regardless of whether advance notice is given, an agency is not obligated to pay overtime due to a change in work schedule, when such a change is in response to a request from an employee, provided the employee works no more than forty hours in a workweek.

When the majority of employees in a work unit ask, in writing, for such a change, and the work unit can function properly only if all employees in the unit work the proposed schedule or scheduling plan, the agency is authorized to approve the change for the entire unit as an employee-initiated change. A written request for a schedule change from the exclusive representative shall constitute a request of employees within a certified bargaining unit.

(4) If an agency, after providing seven days' notice, initiates a schedule change which causes a scheduled standard work period employee to begin work at an earlier time than was required under the old schedule, the employee will be paid at the overtime rate for all hours worked in the new schedule which precede the next hours the employee would have worked under the old schedule.

(5) Contingency scheduling is allowed for employees in scheduled work period positions having the following responsibilities: Highway snow, ice and avalanche control, grain inspection, horticulture inspection, and in the department of natural resources, forest fire suppression, "hoot owl," forest fuels management and aerial applications.

Therefore, for employees in scheduled work period positions, the appointing authority shall not be bound by the above scheduled shift change notice requirement, if the appointing authority notifies affected employees of the contingency schedule in writing when they enter the position or not less than 30 days prior to implementation.

When conditions mandate the activating of the contingency schedule, the appointing authority shall pay affected employees the overtime rate for all hours worked outside the original schedule at least for the employee's first shift of the contingency schedule and for other overtime hours covered by subsection ((4)) (6) of this section.

((4)) (6) When a scheduled or nonscheduled work period employee experiences a schedule change (within or between agencies) which causes an overlap in workweeks and requires work in excess of forty hours in either the old or the new workweek, the employee must receive overtime compensation at least equal to the amount resulting from the following calculations:

(a)(i) Starting at the beginning of the "old" workweek, count all hours actually worked before the end of that workweek, and calculate the straight-time pay and the overtime pay (based on "regular rate" as defined in WAC 356-05-353).

(ii) Starting at the conclusion of the "new" workweek, count back to include all hours actually worked since the beginning of that workweek, and calculate the straight time and overtime (based on "regular rate" as defined in WAC 356-05-353).

(iii) Pay the larger amount calculated under (a)(i) and (ii) of this subsection.

(b) If any other combination of straight-time and time-and-one-half-rate pay required by these rules results in an amount of pay, for either workweek, which is greater than the amount calculated in (a)(iii) of this subsection, then only the larger amount should be paid.

((5)) (7) If overtime is incurred as a result of employee movement between state agencies, the overtime will be borne by the receiving agency.

WSR 87-04-041
ATTORNEY GENERAL OPINION
Cite as: AGO 1987 No. 4
[January 29, 1987]

PENSIONS—RETIREMENT—RCW 43.135.060(1)—IMPACT ON PROPOSED PENSION LEGISLATION

If the Legislature amends the statutes governing the Law Enforcement Officers' and Fire Fighters' Retirement System, Plan II (LEOFF II), by reducing the retirement age from 58 years to 50 years, reducing the number of months of service from 60 months to 24 months in determining the final average salary, and requiring any increased costs to be borne by local taxing districts/employers, the State would not be required by RCW 43.135.060(1) to reimburse those local taxing districts.

Requested by:

Honorable Stanley C. Johnson
State Senator, 28th District
110 Institutions Building
Olympia, WA 98504

WSR 87-04-042
NOTICE OF PUBLIC MEETINGS
PUGET SOUND
WATER QUALITY AUTHORITY
[Memorandum—February 2, 1987]

The dates and locations for authority meetings for the remainder of this biennium is as follows:

February 18, 9:30 a.m.
City Council Chambers
Port Townsend City Hall
540 Water Street
Port Townsend

March 18, 9:30 a.m.
Community Room
Great Northwest Federal Savings
and Loan
500 Pacific
Bremerton

April 15, 9:30 a.m.
South Auditorium
Jackson Federal Building
915 Second Avenue
Seattle

May 20, 9:30 a.m.
Hearing Room A and B
Skagit County Courthouse
Second and Kincaid
Mount Vernon

June 17, 9:30 a.m.
Commission Meeting Room
Clallam County Courthouse
223 East Fourth Street
Port Angeles

WSR 87-04-043
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—February 2, 1987]

The Washington State Human Rights Commission will hold its next regular commission meeting in Olympia on February 25 and 26. The meeting on February 25 will be held at the Evergreen Plaza Building, Second Floor Conference Room, 711 South Capitol Way, from 7:00 p.m. to 11:00 p.m. and will be a work session. The regular business meeting will be held at the General Administration Building, Room G-150, 11th and Columbia, beginning at 9:30 a.m. on February 26. The main topic of discussion for the February meeting will be legislative issues.

WSR 87-04-044
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Western Library Network)
[Memorandum—February 2, 1987]

There is a change for the May 15, 1987, Western Library Network, Network Services Council meeting.

The May meeting will be held in the Tacoma Room of the Vance Airport Inn, 18220 Pacific Highway South, Seattle, Washington. The other meetings are as stated in the December 19, 1986, memorandum.

WSR 87-04-045
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed February 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the amending of the marketing order for Washington hops to increase the annual assessment on all varieties of hops to one dollar and twenty-five cents per affected unit, WAC 16-532-040;

that the agency will at 1:15 p.m., Friday, March 20, 1987, in the Federal-State Agricultural Service Center, 2015 South 1st Street, Yakima, WA 98903, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 6, 1987.

The authority under which these rules are proposed is chapter 15.65 RCW.

The specific statute these rules are intended to implement is chapter 15.65 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 20, 1987.

Dated: February 3, 1987
By: Arthur C. Scheunemann
Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 16-532 WAC.

Description and Purpose: Increase the annual assessment on hops.

Statutory Authority: Chapter 15.65 RCW.

Summary of Rule: Rule sets new assessment rate at one and one-quarter of a dollar per affected unit.

Reasons Supporting Proposal: To provide funds, in cooperation with other hop producing states, to organize and maintain statistical service in order that growers may be better informed in making marketing decisions. Loss of federal marketing order for hops necessitates the creation of a new system for gathering information.

Agency Personnel Responsible for Drafting: Roger L. Roberts, Agricultural Programs Administrator, Agricultural Development Division, Washington State Department of Agriculture, 406 General Administration Building, AX-41, Olympia, Washington 98504, (206) 753-

5028; Implementation and Enforcement: Washington Hop Commission, 504 North Naches Avenue, Suite #5, Yakima, Washington 98901.

Persons Proposing Rule: Washington hop producers by petition by the director of agriculture as provided for in RCW 15.65.050.

Agency Comments on [or] Recommendations: None.

Rule is not necessary as a result of federal law or federal or state court action.

Economic Impact: Affects hop producer only.

AMENDATORY SECTION (Amending Order 1800, filed 7/29/83)

WAC 16-532-040 ASSESSMENTS AND COLLECTIONS. (1)
Assessments.

(a) The annual assessment on all varieties of hops shall be one dollar and twenty-five cents per affected unit.

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

WSR 87-04-046
PROPOSED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
[Filed February 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning formula for distribution of state moneys for the state remediation assistance program, WAC 392-122-605;

that the agency will at 9:00 a.m., Monday, March 16, 1987, in the Old Capitol Building, Wanamaker Conference Room, Washington and Legion, Olympia,

Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28A.41.170.

Dated: February 3, 1987

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-122 WAC.

Rule Section(s): WAC 392-122-605 Formula for distribution of state moneys for the state remediation assistance program.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): Calculation of district entitlement for RAP programs.

Summary of the New Rule(s) and/or Amendments: Changes period of time for calculation of fourth grade percentage and deletes the proviso for districts which had no prior year test.

Reasons Which Support the Proposed Action(s): To have the rules agree with the distribution formula described in the Appropriations Act.

Person or Organization Proposing the Rule(s): Superintendent of Public Instruction, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Tom Case, SPI, 3-6708; and Enforcement: Perry Keithly [Keithley], SPI, 3-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 85-16, filed 12/9/85)

WAC 392-122-605 FORMULA FOR DISTRIBUTION OF STATE MONEYS FOR THE STATE REMEDIATION ASSISTANCE PROGRAM. (1) As used in this section, the term "((fourth grade basic skills test)) district fourth grade RAP percentage" shall mean the percentage of students who scored in the lowest quartile of the approved fourth grade test administered by districts pursuant to RCW 28A.03.060, using the most recent prior five-year average scores on the fourth grade test.

(2) A district's entitlement for state moneys for the state remediation assistance program shall be calculated as follows:

(a) Multiply the ((percentage of students taking the fourth grade basic skills test for last year that scored in the lowest quartile as determined by the nationally normed scores)) district fourth grade RAP percentage by the number of estimated average annual full-time equivalent students enrolled in the district in grades two through six((: PROVIDED, That if the district did not have any student score in the lowest quartile as defined above in the fourth grade basic skills test, the district shall use the average percentage of district students so scoring for the previous five years)); and

(b) Reduce the amount obtained in (a) of this subsection to the extent that the number of students ages seven through eleven resident to the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades two through six; and

(c) Multiply the number of students obtained in (b) of this subsection by the per pupil allocation established in the state appropriation act for the state remediation assistance program; and

(d) The ((product)) result in (c) of this subsection is the district's entitlement subject to WAC 392-122-610, 392-122-900 and its provision for enrollment adjustment.

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed February 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning RAP, grades seven through nine—Definition—District eighth grade RAP percentage, WAC 392-140-058;

that the agency will at 9:00 a.m., Monday, March 16, 1987, in the Old Capitol Building, Wanamaker Conference Room, SPI, Washington and Legion, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28A.03.030(3).

Dated: February 3, 1987

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-140 WAC.

Rule Section(s): WAC 392-140-058.

Statutory Authority: RCW 28A.03.030(3).

Purpose of the Rule(s): Defines eighth grade RAP percentage.

Summary of the New Rule(s) and/or Amendments: Changes period of time for calculation of eighth grade percentage and provides for alternative calculations if eighth grade test not given in previous two years.

Reasons Which Support the Proposed Action(s): To have the rules agree with the distribution formula described in the Appropriations Act.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Tom Case, SPI, 3-6708; and Enforcement: Perry Keithly [Keithley], SPI, 3-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 85-14, filed 12/9/85)

WAC 392-140-058 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—DISTRICT EIGHTH GRADE RAP PERCENTAGE. As used in WAC 392-140-042 through 392-140-066,

the term "district eighth grade RAP percentage" shall mean the percentage of students who scored in the lowest quartile of the eighth grade basic skills test conducted ((in the previous school year)) pursuant to RCW 28A.03.360, using the most recent prior two year average scores on the eighth grade test: PROVIDED, That if the district did not offer an eighth grade in the prior two years, the district shall use the district fourth grade RAP percentage.

WSR 87-04-048
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Osteopathic Medicine and Surgery)

[Filed February 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Osteopathic Medicine and Surgery intends to adopt, amend, or repeal rules concerning:

New	WAC 308-138-321	General provisions for mandatory reporting rules.
New	WAC 308-138-322	Mandatory reporting.
New	WAC 308-138-323	Health care institutions.
New	WAC 308-138-324	Medical associations or societies.
New	WAC 308-138-325	Health care service contractors and disability insurance carriers.
New	WAC 308-138-326	Courts.
New	WAC 308-138-327	State and federal agencies.
New	WAC 308-138-328	Professional review organizations.
Amd	WAC 308-138-330	License reinstatement after lapse of licensure for failure to review [renew].
Amd	WAC 308-138A-020	Osteopathic physicians' assistants;

that the agency will at 9:30 a.m., Wednesday, April 29, 1987, in the Southcenter Room, Nendel's Southcenter, 15801 West Valley Highway, Tukwila, WA 98188, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

WAC 308-138-321, 308-138-322, 308-138-323, 308-138-324, 308-138-325, 308-138-326, 308-138-327 and 308-138-328 are proposed under authority of RCW 18.130.070 and are intended to implement RCW 18.130.070. WAC 308-138-330 is proposed under authority of RCW 18.57.005 and 18.57A.020 and is intended to implement RCW 18.57.050 and 18.57A.040. WAC 308-138A-020 is proposed under authority of RCW 18.57.005 and 18.57A.020 and is intended to implement RCW 18.57A.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 28, 1987.

Written or oral submissions may also contain data, views, or arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Sydney Beckett, Executive Secretary
 Department of Licensing
 Division of Professional Licensing
 P.O. Box 9649
 Olympia, WA 98504

Dated: February 2, 1987

By: Joyce R. Dolliver
 Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 308-138-321 General provisions for mandatory reporting rules; 308-138-322 Mandatory reporting; 308-138-323 Health care institutions; 308-138-324 Medical associations or societies; 308-138-325 Health care service contractors and disability insurance carriers; 308-138-326 Courts; 308-138-327 State and federal agencies; 308-138-328 Professional review organizations; 308-138-330 License reinstatement after lapse of licensing for failure to review [renew]; and 308-138A-020 Osteopathic physicians' assistants.

Statutory Authority and Specific Statute(s) that Rule(s) are Intended to Implement: See above.

Summary of the Rules: WAC 308-138-321 is a definitional section to assist in applying WAC 308-138-322 through 308-138-328; 308-138-322 provides for the timing and contents of mandatory reporting; 308-138-323 provides for mandatory reporting from health care institutions; 308-138-324 provides for mandatory reporting from medical associations and societies; 308-138-325 provides for mandatory reporting from health care service contractors and disability insurance carriers; 308-138-326 requests the assistance of court clerks in providing reports; 308-138-327 requests the assistance of state and federal agencies in providing reports; 308-138-328 provides for mandatory reporting from professional review organizations unless prohibited by federal law; 308-138-330 changes the title to prevent any confusion with license reinstatement after disciplinary action has been taken as the term reinstatement is used in RCW 18.130.150; and 308-138A-020 updates the criteria for approval of osteopathic physicians' assistants' programs.

Reasons Supporting the Proposed Rules: WAC 308-138-321 through 308-138-328 implements the legislative grant of mandatory reporting in RCW 18.130.070; 308-138-330 prevents potential confusion with the reinstatement provision in RCW 18.130.150; and 308-138A-020 updates the criteria for approval of osteopathic physicians' assistants' programs.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: In addition to members of the board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Sydney Beckett, Executive Secretary, Division of Professional Licensing, P.O. Box 9649, Olympia, WA 98504, (206) 753-3129 comm, 234-3129 scan.

Name of the Person or Organization that is Proposing the Rules: Washington State Board of Osteopathic Medicine and Surgery.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to These Rules: None.

These rules are not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: Not required for these rules. The board has reviewed the impact that these rules would have on osteopathic physicians and osteopathic physicians' assistants. The board finds that a small business impact statement is not required. Osteopathic physicians and osteopathic physicians' assistants are classed in SIC Code 803, Offices of Osteopathic Physicians. These rules do not have an economic impact on the industry.

NEW SECTION

WAC 308-138-321 GENERAL PROVISIONS FOR MANDATORY REPORTING RULES. (1) "Unprofessional conduct" shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" shall mean any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" shall mean any health care institution regulated under chapter 18.51 RCW.

(4) "Board" shall mean the Washington state board of osteopathic medicine and surgery, whose address is:

Department of Licensing
Division of Professional Licensing
P.O. Box 9649
Olympia WA 98504

(5) "Physician" shall mean an osteopathic physician and surgeon licensed pursuant to chapter 18.57 RCW.

(6) "Physician's assistant" shall mean an osteopathic physician's assistant approved pursuant to chapter 18.57A RCW.

(7) "Mentally or physically impaired practitioner" shall mean an osteopathic physician and surgeon or osteopathic physician's assistant who has been determined by a court to be mentally incompetent or mentally ill or who is unable to practice medicine with reasonable skill and safety to patients by reason of any mental or physical condition.

NEW SECTION

WAC 308-138-322 MANDATORY REPORTING. (1) All reports required by these regulations shall be submitted to the board as soon as possible, but no later than sixty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name, address, and telephone number of the physician or physician's assistant being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which give rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

NEW SECTION

WAC 308-138-323 HEALTH CARE INSTITUTIONS. The chief administrator or executive officer of any hospital or nursing home shall report to the board when any physician's clinical privileges are terminated or are restricted based on a determination that a physician has committed an act or acts which may constitute unprofessional conduct or that a physician may be mentally or physically impaired.

Said officer shall also report if a physician accepts voluntary termination or restriction of clinical privileges in lieu of formal action based upon unprofessional conduct or upon being mentally or physically impaired.

NEW SECTION

WAC 308-138-324 MEDICAL ASSOCIATIONS OR SOCIETIES. The president or chief executive officer of any medical association or society within this state shall report to the board when a medical society hearing panel or committee determines that a physician or physician's assistant may have committed unprofessional conduct or that a physician or physician's assistant may not be able to practice medicine with reasonable skill and safety to patients as the result of any mental or physical condition and constitutes an apparent risk to the public health, safety, or welfare. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the termination made by the association or society. Notification of appeal shall be included.

NEW SECTION

WAC 308-138-325 HEALTH CARE SERVICE CONTRACTORS AND DISABILITY INSURANCE CARRIERS. The executive officer of every health care service contractor and disability insurer, regulated under chapter 48.20, 48.21, 48.21A, or 48.44 RCW, shall report to the board all final determinations that a physician may have engaged in unprofessional conduct, including, but not limited to, overutilization of medical services and charging fees for medical services not actually provided, or that a physician may be mentally or physically impaired.

NEW SECTION

WAC 308-138-326 COURTS. The board requests the assistance of all clerks of trial courts within the state to report all medical malpractice judgments and all convictions of physicians and physician's assistants, other than minor traffic violations.

NEW SECTION

WAC 308-138-327 STATE AND FEDERAL AGENCIES. The board requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a physician or physician's assistant is employed to provide patient care services, to report to the board whenever such a physician or physician's assistant has been judged to have demonstrated his/her incompetency or negligence in the practice of medicine, or has otherwise committed unprofessional conduct; or is a mentally or physically disabled practitioner.

NEW SECTION

WAC 308-138-328 PROFESSIONAL REVIEW ORGANIZATIONS. Unless prohibited by federal law, every professional review organization operating within the state of Washington shall report to the board any determinations that a physician or physician's assistant may have engaged in unprofessional conduct, including but not limited to, overutilization of any medical or surgical tests, treatment or procedure when such procedures are not appropriate for the services provided, or that a practitioner may be mentally or physically impaired.

AMENDATORY SECTION (Amending Order PL 402, filed 8/5/82)

WAC 308-138-330 LICENSE REINSTATEMENT AFTER LAPSE OF LICENSURE FOR FAILURE TO RENEW. (1) A license that has been expired for less than one year may be brought current by payment of the renewal fees and completion of the continuing education, if due.

(2) Any osteopathic physician and surgeon whose license has been expired for one year or more must pay the current fee for original application and apply for reinstatement on an application form provided by the board. The application will include an explanation for the license lapse and a chronology of their activities since first licensed. A statement outlining the continuing education acquired since the last report made or since January 1, 1980, if no previous report has been required, must be submitted for the board's review and approval.

(3) All applications for reinstatement will be reviewed by the board. The board may require a physical or mental evaluation of an applicant to confirm fitness for practice.

(4) If a licensee has been out of active practice for one year or more or has allowed their license to lapse for a period of three years or more, the board may also require that the applicant pass an examination to determine the applicant's fitness to practice osteopathy or osteopathic medicine and surgery.

AMENDATORY SECTION (Amending Order PL 440, filed 7/27/83)

WAC 308-138A-020 OSTEOPATHIC PHYSICIANS' ASSISTANTS. (1) Program approval required. No osteopathic physician shall be entitled to register an osteopathic physicians' assistant who has not successfully completed a program of training approved by the Board in accordance with these rules.

(2) Program approval procedures. In order for a program for training osteopathic physicians' assistants to be considered for approval by the board it must meet the minimal criteria established by the committee on allied health education and Accreditation Association of the American Medical Association as of ((1978)) 1985. The director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director shall also advise the board concerning the basic medical skills which are attained in such course, and the method by which the proficiency of the students in those skills was tested or ascertained. The board may require such additional information from program sponsors as it desires.

(3) Approved programs. The board shall approve programs in terms of skills attained by its graduates. A registry of approved programs shall be maintained by the board at the division of professional licensing in Olympia, Washington, which shall be available upon request to interested persons.

(4) Additional skills. No osteopathic physician's assistant shall be registered to perform skills not contained in the program approved by the board unless the osteopathic physician's assistant submits with his application a certificate by the program director or other acceptable evidence showing that he or she was trained in the additional skill for which authorization is requested, and the board is satisfied that the applicant has the additional skill and has been properly and adequately tested thereon.

(5) Applications. All applications shall be made to the board on forms supplied by the board. All applications shall be submitted at least 30 days prior to the meeting of the board in which consideration is desired. Applications shall be made jointly by the physician and assistant.

(6) Authorization by board, powers. In granting authorizations for the utilization of the osteopathic physician's assistant, the board may limit the authority for utilizing an osteopathic physician's assistant to a specific task or tasks, or may grant specific approval in conformity with the program approved and on file with the board.

(7) Limitations, number. No osteopathic physician shall supervise more than one osteopathic physician's assistant.

(8) Limitations—Geographic limitations. No osteopathic physician's assistant shall ordinarily be utilized in a place other than the supervising osteopathic physician's regular place for meeting patients, or when personally accompanied by the supervising osteopathic physician. The "regular place for meeting patients" shall be defined to include the physician's office, the institution(s) in which his or her patients are hospitalized or confined, or the homes of patients for whom a physician-patient relationship has already been established.

(9) Limitations—Remote practice. Special permission may be granted to utilize an osteopathic physician assistant in a place remote from the physician's regular place for meeting patients if:

(a) There is a demonstrated need for such utilization;

(b) Adequate provision for immediate communication between the physician and his physician assistant exists;

(c) A mechanism has been developed to provide for the establishment of a direct patient-physician relationship between the supervising osteopathic physician and patients who may be seen initially by the osteopathic physician assistant;

(d) The responsible physician spends at least one-half day per week in the remote office.

(10) Limitations, hospital functions. An osteopathic physician assistant working in or for a hospital, clinic or other health organization

shall be registered in the same manner as any other osteopathic physician assistant and his/her functions shall be limited to those specifically approved by the board. His/her responsibilities, if any, to other physicians must be defined in the application for registration.

(11) Limitations, trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his/her preceptorship physician or a delegated alternate physician in the immediate clinical setting or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

(12) Supervising osteopathic physician, responsibility. It shall be the responsibility of the supervising osteopathic physician to see to it that:

(a) Any osteopathic physician's assistant employed by him or her at all times when meeting or treating ((patient[s])) patients wears a placard or other identifying plate in a prominent place upon his or her person identifying him or her as a physician's assistant((f, f, f));

(b) No osteopathic physician's assistant in his employ represents himself or herself in any manner which would tend to mislead anyone that he or she is a physician;

(c) That the osteopathic physician's assistant in his or her employ performs only those tasks which he or she is authorized to perform under the authorization granted by the board.

(d) All EKG's and x-rays and all abnormal laboratory tests shall be reviewed by the physician within 24 hours.

(e) All patient charts and all telephone advice given by the supervising physician shall be documented, reviewed and countersigned by the physician within one week.

(13) Alternate physician, supervisor—Approved by board. In the temporary absence of the supervising osteopathic physician, the osteopathic physician assistant may carry out those tasks for which he is registered, if the supervisory and review mechanisms are provided by a delegated alternate osteopathic physician supervisor.

(14) Reregistration. The annual reregistration fee shall be paid by the first day of July of each year by the supervising osteopathic physician. Any failure to reregister and pay the annual registration fee shall render the registration invalid but registration may be reinstated by payment of a penalty fee together with all delinquent annual registration fees.

**WSR 87-04-049
EMERGENCY RULES
DEPARTMENT OF LICENSING**
[Order PM 637—Filed February 3, 1987]

I, Theresa Anna Aragon, director of the Washington State Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to fees, amending WAC 308-12-312.

I, Theresa Anna Aragon, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is section 13, chapter 37, Laws of 1985, amended chapter 18.08 RCW to authorize the practice of architecture by architects in corporate form. The amended fee schedule is necessary to implement the legislation by setting fees for corporate registration as an architect firm.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 18.08.130 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 27, 1987.

By Theresa Anna Aragon
Director

AMENDATORY SECTION (Amending Order PL 425, filed 2/3/83)

WAC 308-12-312 FEES. *The following fees shall be charged by the professional licensing division of the department of licensing:*

TITLE OF FEE	FEE
<i>Initial registration</i>	\$ 35.00
<i>Registration renewal</i>	35.00
<i>Late registration renewal penalty</i>	35.00
<i>Certificate replacement</i>	15.00
<i>Examination proctor fee</i>	30.00
<i>Reciprocity registration fee</i>	250.00
<i>Initial examination application</i>	25.00
<i>Retake examination application</i>	20.00
<i>Initial examination all parts</i>	220.00
<i>Corporation Certificate of authority (all registered architects)</i>	250.00
<i>Corporation Certificate of authority (business or stock)</i>	500.00
<i>Corporation Certificate of authority (renewals)</i>	100.00

EXAM RETAKE

<i>Division A: Pre-design</i>	33.00
<i>Division B: Site design</i>	33.00
<i>Division C: Building design</i>	55.00
<i>Division D: Structural - General</i>	16.50
<i>Division E: Structural - Lateral forces</i>	12.50
<i>Division F: Structural - Long span</i>	8.50
<i>Division G: Mechanical, plumbing, electrical & safety systems</i>	16.50
<i>Division H: Materials and methods</i>	21.00
<i>Division I: Construction documents and services</i>	24.00

WSR 87-04-050

ADOPTED RULES

DEPARTMENT OF LICENSING

(Podiatry Board)

[Order PM 638—Filed February 3, 1987]

Be it resolved by the Washington State Podiatry Board, acting at the Executive Conference Theatre, Nendel's, 16838 Pacific Highway South, Seattle, WA, that it does adopt the annexed rules relating to:

- Amd WAC 308-31-015 Examinations required for licensure.
- New WAC 308-31-025 Scope of practice.
- Amd WAC 308-31-100 Purpose.
- Amd WAC 308-31-120 Acts that may not be performed by unlicensed persons.
- Amd WAC 308-31-500 Professional and ethical standards.

This action is taken pursuant to Notice No. WSR 86-24-054 filed with the code reviser on December 2, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.22.015 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 30, 1987.

By N. Jerry Schleswger [Schlesinger], D.P.M.
Chairman

AMENDATORY SECTION (Amending Order PL 450, filed 1/4/84)

WAC 308-31-015 EXAMINATIONS REQUIRED FOR LICENSURE. In order to be licensed to practice podiatry in the state of Washington, all applicants must pass Part I and Part II of the national examination prepared by the National Board of Podiatric Examiners in addition to the state podiatry examination prepared and administered by the Washington state podiatry board.

NEW SECTION

WAC 308-31-025 SCOPE OF PRACTICE. (1) An "ailment of the human foot" as set forth in RCW 18.22.010 is defined as any condition, symptom, disease, complaint, or disability involving the functional foot. The functional foot includes the anatomical foot and any muscle, tendon, ligament, or other soft tissue structure directly attached to the anatomical foot and which impacts upon or affects the foot or foot function and osseous structure up to and including the articulating surfaces of the ankle joint.

(2) In diagnosing or treating the ailments of the functional foot, a podiatrist is entitled to utilize medical, surgical, mechanical, manipulative, radiological, and electrical treatment methods and the diagnostic procedure or treatment method may be utilized upon an anatomical location other than the functional foot.

(3) A podiatrist may examine, diagnose, and commence treatment of ailments for which differential diagnoses include an ailment of the human foot. Upon determination that the condition presented is not an ailment of the human foot, the podiatrist shall obtain an appropriate consultation or make an appropriate referral to a licensed health care practitioner authorized by law to treat systemic conditions. The podiatrist may take emergency actions as are reasonably necessary to protect the patient's health until the intervention of a licensed health care practitioner authorized by law to treat systemic conditions.

(4) A podiatrist may diagnose or treat an ailment of the human foot caused by a systemic condition provided an appropriate consultation or referral for the systemic

condition is made to a licensed health care practitioner authorized by law to treat systemic conditions.

(5) A podiatrist shall not administer a general or spinal anesthetic, however, a podiatrist may treat ailments of the human foot when the treatment requires use of a general or spinal anesthetic provided that the administration of the general or spinal anesthetic is by or under the supervision of a physician licensed under chapter 18.71 or 18.57 RCW.

AMENDATORY SECTION (Amending Order PL 450, filed 1/4/84)

WAC 308-31-100 ((PURPOSE)) DELEGATION OF ACTS TO UNLICENSED PERSONS. The purpose of WAC 308-31-110 and 308-31-120 is to establish guidelines on delegation of duties to persons who are not licensed to practice podiatry. The podiatry laws of Washington state authorize the delegation of certain duties to nonpodiatric personnel and prohibit the delegation of certain other duties. The licensed podiatrist is ultimately responsible for all treatments performed at his direction. Duties that may be delegated to a person not licensed to practice podiatry may be performed only under the supervision of a licensed podiatrist. The degree of supervision required to assure that treatment is appropriate and does not jeopardize the systemic or pedal health of the patient varies with, among other considerations, the nature of the procedure and the qualifications of the person to whom the duty is delegated. The board therefore, in order to promote the welfare of the state and to protect the health and well-being of the people of this state, finds that it is necessary to adopt the following definitions and regulations.

AMENDATORY SECTION (Amending Order PL 450, filed 1/4/84)

WAC 308-31-120 ACTS THAT MAY NOT BE PERFORMED BY UNLICENSED PERSONS. No podiatrist shall allow an unlicensed person who is in his or her employ or is acting under his or her supervision or direction to perform any of the following procedures:

(1) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human feet or adjacent structures.

(2) Any administration of general ((of)), spinal, or injected local anesthetic of any nature in connection with a podiatric operation.

(3) Suture.

(4) Determine the rate and quality of patient's pedal pulses.

(5) Perform and quantitate a neurological, musculoskeletal, or dermatological examination.

(6) Palpation of the feet or lower extremities.

(7) Any interprofessional communication.

(8) Perform a biomechanical examination.

AMENDATORY SECTION (Amending Order PL 450, filed 1/4/84)

WAC 308-31-500 PROFESSIONAL AND ETHICAL STANDARDS. In addition to those standards specifically expressed in chapter 18.22 RCW, the board

adopts the standards that follow in governing or regulating the practice of podiatrists within the state of Washington.

Podiatry is that specialty of medicine and research that seeks to diagnose, treat, correct and prevent diseases and disorders of the human foot. A podiatrist shall hold foremost the principal objectives to render appropriate podiatric services to the society and to assist individuals in the relief of pain or correction of abnormalities, and shall always endeavor to conduct himself or herself in such a manner to further these objectives.

The podiatrist owes to his or her patients a reasonable degree of skill and quality of care. To this end, the podiatrist shall endeavor to keep abreast of new developments in podiatric medicine and surgery and shall pursue means that will lead to improvement of his or her knowledge and skill in the practice of podiatry. ((t)) "Quality of care" consists of the following elements:

((ta)) (1) Necessity of care.

((tb)) (2) Appropriateness of service rendered in view of the diagnosis.

((tc)) (3) Utilization of services (over or under).

((td)) (4) Quality of service(s) rendered.

((te)) (5) Whether the service(s) reported had been actually rendered.((t))

**WSR 87-04-051
ADOPTED RULES
BOARD OF ACCOUNTANCY**
[Order ACB-126—Filed February 4, 1987]

Be it resolved by the Washington State Board of Accountancy, that it does adopt the annexed rules relating to CPA certificate—Educational requirements, WAC 4-25-140.

This action is taken pursuant to Notice No. WSR 86-22-064 filed with the code reviser on November 5, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.04.005(3) [18.04.055(3)] and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 23, 1987.

By Carey L. Rader
Chief Executive Officer

AMENDATORY SECTION (Amending Order ACB 111, filed 5/8/85)

WAC 4-25-140 ((CERTIFIED PUBLIC ACCOUNTANTS)) CPA CERTIFICATE EDUCATION REQUIREMENTS. Applicants for a CPA certificate shall have a baccalaureate degree conferred by a

college or university recognized by the board. The degree program shall include an accounting concentration or its equivalent and related subjects the board deems appropriate. The board may, in its discretion, waive the educational requirements for any person if it is satisfied through review of documentation of successful completion of equivalency examination that the person's educational qualifications are an acceptable substitute for the requirements of this rule.

(1) As used in these rules, a "semester hour" means the conventional college semester hour. Quarter hours may be converted to semester hours by multiplying them by two-thirds.

(2) Accreditation standards. For purposes of ((RCW 18.04.105 (1)(b))) this rule, the board will recognize colleges and universities which are accredited in accordance with ((subsections (3))) (a) through ((6)) (d) of this ((section)) subsection.

((3)) (a) An accredited college or university is a four year degree-granting college or university accredited at the time applicant's degree was received by virtue of membership in one of the following regional accrediting agencies:

((a)) (i) Middle States Association of College and Secondary Schools;

((b)) (ii) New England Association of Schools and Colleges;

((c)) (iii) North Central Association of Colleges and Secondary Schools;

((d)) (iv) Northwest Association of Schools and Colleges;

((e)) (v) Southern Association of Colleges and Schools; and

((f)) (vi) Western Association of Schools and Colleges.

((4)) (b) A listing of accredited colleges and universities as recognized by the board is contained in "Accredited Institutions of Postsecondary Education" published by the U. S. Department of Education, National Center for Education Statistics.

((5)) (c) If an institution was not accredited at the time an applicant's degree was received but is so accredited at the time his application is filed with the board, the ((institute)) institution will be deemed to be accredited for the purpose of ((subsection (4))) (b) of this ((section)) subsection provided that it:

((a) Certified)) (i) Certifies that the applicant's total educational program would qualify him for graduation with a baccalaureate degree during the time the institution has been accredited; and

((b)) (ii) Furnishes the board satisfactory proof, including college catalogue course numbers and descriptions, that the ((preaccredited)) preaccrediting courses used to qualify the applicant ((as an)) for a concentration in accounting ((major)) are substantially equivalent to postaccrediting courses.

((6)) (d) If an applicant's degree was received at an accredited college or university as defined by ((subsection (3))) (a) or ((5)) (c) of this ((section)) subsection, but the educational program which was used to qualify

him ((as an)) for a concentration in accounting ((major)) included courses taken at nonaccredited institutions, either before or after graduation, such courses will be deemed to have been taken at the accredited institution from which applicant's degree was received, provided the accredited institution either:

((a)) (i) Has accepted such courses by including them in its official transcript; or

((b)) (ii) Certifies to the board that it will accept such courses for credit toward graduation.

((7)) (3) Alternative to accreditation. A graduate of a four-year-granting institution not accredited at the time the applicant's degree was received or at the time his application was filed will be deemed to be a graduate of a four-year accredited college or university if a credentials evaluation service((s)) approved by the board certifies that the applicant's degree is equivalent to a degree from an accredited college or university as defined in subsection ((3)) (2) of this section.

((8) The concentration in accounting and related subjects or its equivalent shall be determined in accordance with the following provisions of this rule:

((a)) (4) Accounting concentration. A concentration in accounting for holders of baccalaureate degrees, for purposes of ((RCW 18.04.105 (1)(b))) this rule, shall consist of at least:

((i)) (a) Twenty-four semester hours or the equivalent, in accounting subjects including no more than ten semester hours of lower division elementary accounting courses; and

((ii)) (b) Twenty-four semester hours or the equivalent, in business administration subjects which shall include business law, finance, economics, and data processing.

((iii) Appropriate college level courses which are taken without credit may be considered equivalent to courses taken for credit for purposes of this section.

((b)) (c) A concentration in accounting for holders of graduate degrees for purposes of this rule shall consist of at least:

((i)) Sixteen semester hours or the equivalent in graduate level accounting subjects. Undergraduate accounting courses may be substituted at two-thirds of the stated undergraduate credit; and

((ii)) Sixteen semester hours or the equivalent in graduate level business administration subjects which shall include business law, finance, economics, and data processing. Undergraduate business courses may be substituted at two-thirds of the stated undergraduate credit.

((5) Transition rules for accounting concentration. Applicants for the certified public accountant examination whose original application is approved prior to September 1, 1986, shall not be required to comply with subsection (4) (a)((i)) and ((ii)) (b) of this ((subsection)) section. Instead, they shall be required to meet the following requirements:

((i)) (a) Applicants who sat for an examination given before August 8, 1969, and received conditional credits from such examination, may continue to sit for the examination. They must pass all parts of the examination on or before the November 1992 sitting. Failure to pass said examination by November 1992 will cause

the candidate to be subject to the accounting concentration requirements of subsection (4) (a)((f)) and ((f)) (b) of this ((subsection)) section for sitting after that date.

((f)) (b) Applicants who first sat for an examination given after August 8, 1969, but before November 15, 1986, may continue to sit for the examination. They must pass all parts of the examination on or before the November 1992 sitting. Failure to pass said examination by November 1992 will cause the candidate to be subject to the accounting concentration requirements of subsection (4) (a)((f)) and ((f)) (b) of this ((subsection)) section for sitting after that date. ((Provided further;)) Candidates sitting under the provisions of this subsection((;)) must pass the examination within six additional consecutive sittings after receiving conditional credits.

**WSR 87-04-052
PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules relating to brucellosis and tuberculosis in cattle and goats, chapter 16-86 WAC;

that the agency will at 1:00 p.m., Tuesday, March 10, 1987, in the Capital Savings and Loans Conference Room, Ellensburg, Washington 98926, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 13, 1987.

The authority under which these rules are proposed is chapter 16.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 10, 1987.

Dated: February 4, 1987
By: Mike Willis
Assistant Director

STATEMENT OF PURPOSE

Title: Rules relating to brucellosis and tuberculosis in cattle and goats.

Description of Purposes: To establish policies and procedures for the eradication of brucellosis in cattle and goats in the state of Washington.

Statutory Authority: Chapter 16.36 RCW.

Summary of Rules: The rule establishes policies and procedures for the eradication of tuberculosis and brucellosis, bacterial diseases causing abortion in cattle and goats. Provides for controlling movement and quarantining herds infected with tuberculosis and brucellosis. Sets guidelines for vaccinating cattle against brucellosis.

Reasons Supporting the Proposed Rules: The amendment of this rule is necessary to reduce the upper age for vaccination against brucellosis in dairy cattle from 12 months to 8 months so that vaccinated animals will not

carry blood test reactions beyond the maximum time allowed (20 months). At present a significant number of vaccinated cattle show reactions to the brucellosis test caused by vaccinating after the animals become sexually mature. Lowering the maximum age for vaccination to 8 months will eliminate this problem.

Agency Personnel to Contact: Dr. Rolla C. Sexauer, State Veterinarian, Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 753-5040.

Agency Comment: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1814, filed 4/29/84 [3/30/84])

WAC 16-86-005 DEFINITIONS: For purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Accredited veterinarian" means a veterinarian licensed to practice veterinary medicine, surgery, and dentistry in the state of Washington and approved by the United States department of agriculture veterinary services to participate in state-federal cooperative programs.

(4) "Official calfood vaccine" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty-five days) for beef breed cattle and between the ages of four and eight months (one hundred twenty days to two hundred forty days) for dairy breed cattle with an approved brucella vaccine.

(5) "Approved brucella vaccine" means only those biological products that are approved by and produced under license of the United States department of agriculture for injection into cattle for the purpose of enhancing their resistance to brucellosis.

(6) "Registry tattoo" means a tattoo identifying the individual as a registered animal within the breed association.

(7) "Vaccination tattoo" means the United States registered ((shield)) shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1814, filed 4/29/84 [3/30/84])

WAC 16-86-015 WASHINGTON CATTLE SALE REQUIREMENTS. (1) Effective January 1, 1984, within thirty days prior to any change of ownership and in a manner described by the state veterinarian, all dairy breed cattle shall be tested negative for brucellosis. The following classes of cattle are exempt from this requirement:

- (a) Calves under four months of age.
- (b) Cattle sold or consigned to a quarantined registered feed lot.
- (c) Cattle sold or consigned to a federally inspected slaughter plant.
- (d) Steers and spayed heifers.
- (e) Official calfood vaccines under twenty months of age and not parturient or post parturient.

((No female cattle may be sold, or introduced into any herd, in the state of Washington unless they are properly identified as official brucellosis vaccines, except the following classes of cattle are exempt from this requirement:)) All female cattle shall be officially vaccinated against brucellosis and bear a legible vaccination tattoo prior to being sold or introduced into any herd in the state of Washington. This rule does not apply to the following:

(a) Calves under four months of age((:)), ((PROVIDED, That) Female calves under four months of age acquired by any herd and natural female additions must ((be officially brucellosis calfood vaccinated and identified before the age of twelve months)) become official calfood vaccines, as provided for in this chapter, to be sold for any purpose other than those set forth in sections (c), (d), (e) or (f) below:

- (b) Female beef cattle born before January 1, 1983.
- (c) Cattle sold or consigned to a quarantined registered feed lot.
- (d) Cattle sold or consigned to a federally inspected slaughter plant.
- (e) Cattle sold or consigned to a public livestock market for immediate slaughter only.
- (f) Spayed heifers.

(3) Any dairy breed female cattle over 8 months of age or beef breed female cattle over 12 months of age which are not exempted in subsection (2) of this section ((but)) and which are found not to be vaccinated ((for)) against brucellosis upon consignment to a public livestock market, shall be identified ((by the department)) by branding with an "S" brand on the left hip prior to sale and released from the market only when such cattle have been specifically destined by the buyer to one of the following)). After "S" branding, the non-vaccinated cattle may be released by the director on a VS1-27 form or other official permit to any of the following destinations:

- (a) A quarantined registered feed lot.
- (b) A federally inspected slaughter plant.
- (c) Another public livestock market for immediate slaughter only.
- (d) Upon specific approval by the state veterinarian, non-vaccinated cattle "S" branded at a public livestock market may be returned to the farm of origin where they must remain until released by the state veterinarian for consignment to one of the destinations listed under (3), (a), (b) or (c) above.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 87-04-053 PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules relating to the importation of animals into the state of Washington, chapter 16-54 WAC;

that the agency will at 1:00 p.m., Tuesday, March 10, 1987, in the Capital Savings and Loans Conference Room, Ellensburg, Washington 98926, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 13, 1987.

The authority under which these rules are proposed is chapter 16.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 10, 1987.

Dated: February 4, 1987
By: Mike Willis
Assistant Director

STATEMENT OF PURPOSE

Title: Importation of animals.

Description of Purpose: To establish procedures for the importation of animals into the state of Washington.

Statutory Authority: Chapter 16.36 RCW.

Summary of Rules: The rule establishes health policies and procedures for the importation of animals into the state.

Reason Supporting the Proposed Rule: The amendment of this rule is necessary to update the requirements for dogs and cats originating in Washington, visiting Canada and returning to Washington. Changes in the brucellosis import rules are necessary to protect cattle owners from the threat of brucellosis from heifers from another state which have been exposed to brucellosis but will not be test eligible until after introduced into a herd in Washington. Under another proposal it would be necessary to vaccinate cats against rabies as a condition of entering our state. Rabies is on the increase in many locations of the country.

Agency Personnel to Contact: Dr. Rolla C. Sexauer, State Veterinarian, Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 753-5040.

Agency Comment: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1838, filed 8/23/84 [7/24/84])

WAC 16-54-082 DOMESTIC BOVINE ANIMALS. All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian((:)). ((PROVIDED, That this permit requirement will be reviewed two years after the effective date to determine that the results obtained warrant the continuation of this requirement:)) All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.

(2) Brucellosis health certificate requirements. All domestic bovine animals (including bison), except those consigned to quarantined registered feed lots, or to federally inspected slaughter plants for immediate slaughter, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved livestock market, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

(a) Brucellosis test.

((Cattle originating in class free or class A states must be negative to an official brucellosis test conducted within thirty days prior to date of entry:)) Cattle from class free and A states.

(A) Sexually intact heifers from brucellosis quarantined herds in class free and A states shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter plant or to a quarantined feedlot.

(B) Cattle other than those referred to in subsection (A) from class free or A states which are test eligible, unless destined for a quarantined feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry. Cattle not considered test eligible include:

((A)) (aa) Calves under six months of age.

((B)) (bb) Steers and spayed heifers.

((C)) (cc) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty four months of age.

((D)) (dd) Cattle from a certified brucellosis free herd.

((E)) (ee) Cattle originating in class B states must be negative to an official brucellosis test conducted within thirty days prior to date of entry

and will be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of pre-entry test.)) Cattle from class B or C states:

(A) Sexually intact heifers from other than certified brucellosis free herds in states classified B or C by the USDA shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter establishment or to a quarantined feedlot.

(B) Cattle other than those referred to in subsection (A) from class B states which are test eligible, unless destined for a quarantined feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry and held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the pre-entry test. Cattle not considered test eligible include:

((A)) (aa) Calves under six months of age.

((B)) (bb) Steers and spayed heifers.

((C)) (cc) Cattle from a certified free herd.

(C) Cattle other than those referred to in subsection (A) from class C states which are test eligible must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. Those cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the second negative pre-entry test. Cattle not considered test eligible include:

((A)) (aa) Calves under six months of age.

((B)) (bb) Steers and spayed heifers.

((C)) (cc) Cattle from a certified brucellosis free herd.

(iii) ((Cattle originating in class C states must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. These cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the second negative pre-entry test.)) Beef cattle eligible for brucellosis testing coming from class free or A states may be moved to state-federal approved livestock markets in Washington to meet entry health requirements.

(iv) ((The following classes of cattle are exempt from the test requirements in (a)(i), (ii), and (iii) of this subsection:

(A) Calves under six months of age.

(B) Steers and spayed heifers.

(C) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(D) Immediate slaughter cattle going directly to a federally inspected slaughter plant.

(E) Cattle consigned directly to a state-federal quarantined feed lot.

(F) Cattle from certified brucellosis free herds.

(G) Beef breed cattle eligible for brucellosis testing coming from class free or class A states may be moved to state-federal approved livestock markets in Washington to meet entry health requirements.))

((v)) Should brucellosis infection occur in the state of Washington as a result of importation of infected animals, all future importations from the state of origin shall be required to meet import regulations of the next lower classification. State regulatory officials of that state shall be notified and the lower classification entry requirement will be in effect for twelve months following notification to the state of origin.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 1540, filed 11/16/77 [10/17/77])

WAC 16-54-030 HEALTH CERTIFICATE. (1) All animals entering Washington shall be accompanied by an official health certificate except: ((those classes of animals specifically exempted in laws or regulations of this state.))

(a) Dogs and cats originating in Washington and visiting Canada for 30 days or less.

(b) Those classes of animals specifically exempted in laws or regulations of this state.

(2) "Official Health Certificate" means a legible certificate executed on an official form of the State of Origin or of the Animal Health Department of Agriculture, United States Department of Agriculture, by a licensed and accredited veterinarian or a veterinarian approved by the proper official of the Animal Health Division, United States Department of Agriculture, and shall contain the following information:

(a) Date of inspection. All health certificates void after thirty days, except breeding cattle forty-five days from date of issue. PROVIDED, The Director may give special exemption for show animals.

(b) Names and addresses of the consignor and consignee.

(c) Certification that the animals are apparently free from evidence of infectious and communicable disease.

(d) Test or vaccination status when required.

(e) Description of each animal to include species, breed, age, sex, tag or tattoo and for cattle, only an official ear tag will be accepted or if registered, the registry name, number and tattoo for individual identification.

(f) Certification of disinfection of cars and trucks when required.

((2)) (3) All health certificates shall be approved by the Livestock Sanitary Official of the State of Origin and a copy shall be forwarded immediately to the Department of Agriculture, Olympia, Washington.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1172 [1540], filed 1/14/71 [10/17/77])

WAC 16-54-120 DOGS AND CATS. (1) In addition to the general provisions for the importation of livestock, the official health certificate for dogs and cats shall contain the certification:

(a) That such animals are apparently free from infectious, contagious, and communicable disease.

(b) That all dogs and cats have been vaccinated against rabies according to U.S. Public Health Department regulations and standards at the time of entry. Each animal must be identified by a tag number and official health certificate.

((((Cats - No rabies vaccination required.)))

(d) That such animals do not originate from an area under quarantine for rabies. Animals originating from rabies quarantined areas must be accompanied by a permit obtained from the State Department of Agriculture office in Olympia, Washington, previous to shipment, the terms of which must be stated on the health certificate.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 87-04-054

PROPOSED RULES

DEPARTMENT OF LICENSING

(Podiatry Board)

[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Podiatry Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 308-31-025 Scope of practice.

Amd WAC 308-31-500 Professional and ethical standards;

that the agency will at 1:30 p.m., Wednesday, March 18, 1987, in the Executive Conference Theatre, Nendel's, 16838 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

WAC 308-31-025 is proposed under the authority of RCW 18.22.015 and is intended to implement RCW 18.22.015. WAC 308-31-500 is proposed under the authority of RCW 18.22.015 and 18.130.050(12) and is intended to implement RCW 18.130.050(12).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 17, 1987.

Written or oral submissions may also contain data, views, or arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Barbara Hayes, Assistant Executive Secretary
Washington State Podiatry Board
Department of Licensing
Business and Professions Administration
P.O. Box 9649
Olympia, WA 98504

Dated: February 3, 1987
By: Joyce R. Dolliver
Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters: WAC 308-31-025 Scope of practice; and 308-31-500 Professional and ethical standards.

Statutory Authority and Specific Statutes that Rules are Intended to Implement: See above.

Summary of Rules: WAC 308-31-025 clarifies the scope of podiatric practice; and 308-31-500 is housekeeping in nature.

Reasons Supporting the Proposed Rules: WAC 308-31-025 clarifies that a podiatrist may perform preventative diagnosis and treatment; and 308-31-500 is housekeeping changes.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rules: Barbara Hayes, Assistant Executive Secretary, Business and Professions Administration, P.O. Box 9649, Olympia, WA 98504, (206) 753-2844 comm, 234-2844 scan.

Name of Person or Organization that is Proposing this Rule: Washington State Podiatry Board.

Agency Comments or Recommendations, if any Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to These Rules: None.

These rules are not necessary to comply with a federal law or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: Not required for these rules. The board has reviewed the impact that the adoption of the amendments to WAC 308-31-025 and 308-31-500 would have on podiatrists. The board finds that a small business impact statement is not required. Podiatrists are classed in SIC Code 804, Offices of Other Health Care Practitioners. As such, they account for less than 10 percent of the health practitioners in this area. Also, they are less than 20 percent of all industries. Finally, any impact that these proposed rules may have is intended to fall equally on all podiatrists.

AMENDATORY SECTION (Amending Order PM 638, filed 2/3/87)

WAC 308-31-025 SCOPE OF PRACTICE. (1) An "ailment of the human foot" as set forth in RCW 18.22.010 is defined as any condition, symptom, disease, complaint, or disability involving the functional foot. The functional foot includes the anatomical foot and any muscle, tendon, ligament, or other soft tissue structure directly attached to the anatomical foot and which impacts upon or affects the foot or foot function and osseous structure up to and including the articulating surfaces of the ankle joint.

(2) In diagnosing or treating the ailments of the functional foot, a podiatrist is entitled to utilize medical, surgical, mechanical, manipulative, radiological, and electrical treatment methods and the diagnostic procedure or treatment method may be utilized upon an anatomical location other than the functional foot. The diagnosis and treatment of the foot includes diagnosis and treatment necessary for preventative care of the well foot.

(3) A podiatrist may examine, diagnose, and commence treatment of ailments for which differential diagnoses include an ailment of the human foot. Upon determination that the condition presented is not an ailment of the human foot, the podiatrist shall obtain an appropriate consultation or make an appropriate referral to a licensed health care practitioner authorized by law to treat systemic conditions. The podiatrist may take emergency actions as are reasonably necessary to protect the patient's health until the intervention of a licensed health care practitioner authorized by law to treat systemic conditions.

(4) A podiatrist may diagnose or treat an ailment of the human foot caused by a systemic condition provided an appropriate consultation or referral for the systemic condition is made to a licensed health care practitioner authorized by law to treat systemic conditions.

(5) A podiatrist shall not administer a general or spinal anesthetic, however, a podiatrist may treat ailments of the human foot when the treatment requires use of a general or spinal anesthetic provided that the administration of the general or spinal anesthetic is by or under the supervision of a physician ((licensed)) authorized under chapter 18.71 or 18.57 RCW.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order PM 638, filed 2/3/87)

WAC 308-31-500 PROFESSIONAL AND ETHICAL STANDARDS. In addition to those standards specifically expressed in chapter 18.22 RCW and chapter 18.130 RCW, the board adopts the standards that follow in governing or regulating the practice of podiatrists within the state of Washington.

Podiatry is that specialty of medicine and research that seeks to diagnose, treat, correct and prevent ((diseases and disorders of the human foot)) ailments of the human foot. A podiatrist shall hold foremost the principal objectives to render appropriate podiatric services to the society and to assist individuals in the relief of pain or correction of abnormalities, and shall always endeavor to conduct himself or herself in such a manner to further these objectives.

The podiatrist owes to his or her patients a reasonable degree of skill and quality of care. To this end, the podiatrist shall endeavor to keep abreast of new developments in podiatric medicine and surgery and shall pursue means that will lead to improvement of his or her knowledge and skill in the practice of podiatry. "Quality of care" consists of the following elements:

- (1) Necessity of care.
- (2) Appropriateness of service rendered in view of the diagnosis.
- (3) Utilization of services (over or under).
- (4) Quality of service(s) rendered.
- (5) Whether the service(s) reported had been actually rendered.

**WSR 87-04-055
PROPOSED RULES
HIGHER EDUCATION PERSONNEL BOARD**

[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

New	WAC 251-07-010	Classified employee files—General provision.
New	WAC 251-07-020	Personnel files—Responsibility for.
New	WAC 251-07-030	Adverse materials.
New	WAC 251-07-040	Access.
New	WAC 251-07-050	Destruction or retention of information.
New	WAC 251-07-060	Employee rebuttal;

that the agency will at 9:00 a.m., Friday, March 20, 1987, in the Fireside Lounge, Oppelt Student Center, Pierce College, Tacoma, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 20, 1987.

Dated: February 4, 1987

By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on February 4, 1987, and is filed pursuant to RCW 34.04.025.

Description of Purpose: To specify provisions regarding personnel records to be observed by the institutions and related boards in the state of Washington.

Specific Statute These Rules are Intended to Implement: RCW 28B.16.101(10).

Statutory Authority: RCW 28B.16.101 to implement the provisions of that section.

Title: WAC 251-07-010 Classified employee files—General provisions, to establish general provisions regarding personnel files; WAC 251-07-020 Personnel files—Responsibility for, designates the personnel officer as the person responsible for official personnel files; WAC 251-07-030 Adverse materials, establishes that copies of all adverse information will be provided to the

employee upon inclusion in the file; WAC 251-07-040 Access, establishes standards necessary to personnel file access; WAC 251-07-050 Destruction or retention of information, establishes standards for destruction or retention of information included in personnel files; and WAC 251-07-060 Employee rebuttal, provides that an employee may submit statements of rebuttal or correction of information for inclusion in his/her personnel file.

Reasons Supporting Proposed Action: Higher Education Personnel Board rules currently do not include standards necessary to uniform administration of personnel files by the 33 institutions and related boards under the jurisdiction of the Higher Education Personnel Board.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is not the result of federal law or state or federal court action.

**Chapter 251-07 WAC
PERSONNEL FILES**

WAC

251-07-010	Classified employee files—General provisions.
251-07-020	Personnel files—Responsibility for.
251-07-030	Adverse materials.
251-07-040	Access.
251-07-050	Destruction or retention of information.
251-07-060	Employee rebuttal.

NEW SECTION

WAC 251-07-010 CLASSIFIED EMPLOYEE FILES—GENERAL PROVISIONS. Each institution shall maintain an official file of each classified employee, showing a record of employment and such other information required for business and legal purposes. The burden of demonstrating the institution's business or legal need to know rests with the institution.

NEW SECTION

WAC 251-07-020 PERSONNEL FILES—RESPONSIBILITY FOR. The personnel officer of each institution is responsible for local administration and management of official classified employee personnel files.

NEW SECTION

WAC 251-07-030 ADVERSE MATERIALS. Employees shall be provided a copy of all adverse material placed in the official file at the time the material is included in the file, except for such material exempted under chapter 42.17 RCW.

NEW SECTION

WAC 251-07-040 ACCESS. Upon written request of an employee, the institution shall permit that employee to inspect any or all of his/her own official personnel file with the exception of material exempted under chapter 42.17 RCW. The institution shall also permit the above inspection privilege to an employee's representative upon written authorization by the represented employee. Each institution shall make such file available within a reasonable period of time after the employee or his/her representative requests the file. Copies will be provided in accordance with the institution procedure.

NEW SECTION

WAC 251-07-050 DESTRUCTION OR RETENTION OF INFORMATION. (1) Information shall be retained as long as it has a reasonable bearing on the employee's job performance or upon the efficient and effective management of the institution except as provided in WAC 251-20-040(5).

Adverse material or information related to employee misconduct or alleged misconduct which is determined to be false and all such information in situations where the employee has been fully exonerated of wrong doing shall be promptly destroyed.

(2) Notwithstanding subsection (1) of this section, an institution may retain information relating to employee misconduct or alleged misconduct, if:

- (a) The employee requests that the information be retained; or
- (b) The information is related to pending legal action or legal actions may reasonably be expected to result.

NEW SECTION

WAC 251-07-060 EMPLOYEE REBUTTAL. The employee shall have the right to have placed in his/her own personnel file a statement of rebuttal or correction of information contained in the file within a reasonable period of time after the employee becomes aware that the information has been placed in the file.

WSR 87-04-056**PROPOSED RULES****HIGHER EDUCATION PERSONNEL BOARD**

[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 251-08-005 Compensation plans—General.
- Amd WAC 251-08-021 Compensation plans—Salary survey.
- Amd WAC 251-08-040 Compensation plans—Submission to governor.
- Amd WAC 251-08-100 Periodic increment date.
- Amd WAC 251-09-090 Special pay;

that the agency will at 9:00 a.m., Friday, March 20, 1987, in the Fireside Lounge, Oppelt Student Center, Pierce College, Tacoma, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 20, 1987.

Dated: February 4, 1987
By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on February 4, 1987, and is filed pursuant to RCW 34.04.025.

Title: WAC 251-08-005 Compensation plans—General.

Description of Purpose: Subsection (3), housekeeping modification; and subsection (4), to specify that the rates

in the compensation plans will be increased if necessary to attain comparable worth.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100 and 28B.16.116.

Summary of Rule: Subsection (4), the rates in the compensation plans prepared by the director and approved by the board shall be increased if necessary to attain comparable worth.

Reasons Supporting Proposed Action: This change enables Washington Administrative Code to reflect RCW 28B.16.100(16) and 28B.16.116 as they are currently written.

Title: WAC 251-08-021 Compensation plans—Salary survey.

Description of Purpose: Subsection (1), to reflect current language in RCW 28B.16.110 which distinguishes when a comprehensive survey will be conducted and when a trend survey will be conducted.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100 and 28B.16.110.

Summary of Rule: The rule directs the director to undertake salary and fringe benefit surveys on a joint basis with DOP and specifies when a comprehensive survey will be conducted and when a trend survey will be conducted.

Reasons Supporting Proposed Action: This change enables Washington Administrative Code to reflect RCW 28B.16.110 as it is currently written based on changes adopted in the 1985 legislative session.

Title: WAC 251-08-040 Compensation plans—Submission to governor.

Description of Purpose: Subsections (1) and (2), to reflect current language in RCW 28B.16.110.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100 and 28B.16.110.

Summary of Rule: Subsection (1) specifies that both comprehensive and trend salary survey results shall be forwarded to the governor and the director of OFM; and subsection (2) clarifies that the supplementary data listed is required only in the case of the comprehensive salary survey.

Reasons Supporting Proposed Action: This change enables Washington Administrative Code to reflect RCW 28B.16.110 as it is currently written based on changes adopted in the 1985 legislative session.

Title: WAC 251-08-100 Periodic increment date.

Description of Purpose: Subsection (2)(a), to clarify that it refers to the six-month probationary period; subsection (2)(b), to clarify that those employees in a class with an extended probationary period who have been appointed at the first step in the salary range would have their periodic increment date established upon completion of six months' service in the class; and subsection (3)(d), housekeeping change regarding WAC references.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100.

Summary of Rule: Subsections (2)(a) and (b) of the rule specify when the periodic increment date for employees will be established.

Reasons Supporting Proposed Action: To clarify when the periodic increment date for employees will be established and to ensure that all employees are treated equally by receiving increment increases based on length of service as specified in the RCW.

Title: WAC 251-09-090 Special pay.

Description of Purpose: To separate the two types of special pay because of confusion surrounding a reference to WAC 251-09-090 in the biennial budget section 702 which dealt with the comparable worth implementation. The format change allows a reference to subsection (1) or (2) if it is necessary to distinguish the type of special pay referred to.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100.

Summary of Rule: The rule specifies the reasons for which the board or the director may approve special pay.

Reasons Supporting Proposed Action: To separate the two types of special pay because of confusion surrounding a reference to WAC 251-09-090 in the biennial budget section 702 which dealt with the comparable work implementation. The format change allows a reference to subsection (1) or (2) if it is necessary to distinguish the type of special pay referred to.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John A. Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rules and Whether Public, Private or Governmental: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The changes are not the result of federal law or state or federal court action.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-005 COMPENSATION PLANS—GENERAL. The director shall prepare, and subject to board approval shall periodically revise in a manner consistent with the development of the original plan, compensation plans for all classes. The plans shall provide for:

(1) Full compensation to each employee for all work assigned and performed.

(2) Regular salary increment increases based upon length of service for all employees whose performance is such as to permit them to retain job status in the classified service.

(3) Assignment of each class to a salary range reflecting prevailing rates in other public employment and in private employment in this state or in the locality in which the institution is located, provided funds are available as defined in WAC 251-08-051.

(4) The rates in the salary schedules or plans to be increased if necessary to attain comparable worth.

(5) Equal pay for similar duties, responsibilities, and qualifications among classes as determined by the salary survey process.

((5)) (6) Such other provisions as are appropriate in the establishment and maintenance of compensation equity in relation to prevailing practices found in Washington state private industries and other governmental units.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-021 COMPENSATION PLANS—SALARY SURVEY. (1) For purposes of reflecting in salary schedules and in the compensation plans the prevailing rates in other public employment and in private employment in this state or in the locality in which the institution is located, the director shall undertake salary and fringe benefit surveys for the board with the assistance of the various personnel officers and on a joint basis with the department of personnel, with ((one such)) a comprehensive survey to be conducted ((each)) in the year prior to the convening of ((each)) every other regular session of the state legislature. A trend survey will be conducted in the year prior to the convening of each regular session of the state legislature for which a comprehensive survey is not conducted.

(2) Salary and fringe benefit surveys shall be conducted according to the following criteria in addition to any other provisions under this chapter:

(a) Adjustments of state salaries to prevailing rates in Washington state private industries and other governmental units shall be determined by comparisons of weighted averages of salaries, including weighted averages of salaries from out-of-state sources when necessary to obtain statistically valid salary surveys; and

(b) Determination of state salary changes from prevailing rate data collected in salary surveys shall be based on occupational group averages containing related job classes where appropriate rather than on comparison of survey data to individual state job classes.

(3) Salary and fringe benefit surveys shall be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of the office of financial management, employee organizations, the standing committees for appropriations in the senate and house of representatives, and to the legislative budget committee six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include, but not be limited to, the following:

(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey;

(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:

(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;

(ii) Is representative of private and public employment in this state;

(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and

(iv) Indicates the methodology to be used in application of survey data to job classes used by state government;

(c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(4) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. The plans shall be developed jointly by the higher education personnel board and the department of personnel. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the higher education personnel board and the department of personnel. The legislative budget committee shall review and evaluate all survey plans before final implementation.

(5) Any interim or special surveys conducted shall conform when possible to the statistical techniques and principles developed for regular periodic surveys.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-040 COMPENSATION PLANS—SUBMISSION TO GOVERNOR. (1) The results of ((the)) each comprehensive and trend salary and fringe benefit survey as adopted by the board shall be forwarded by the board with recommended salary adjustments to the governor and the director of the office of financial management for their use in preparing budgets to be submitted to the succeeding legislature. Such recommendation shall be advisory only. A copy of the

data and supporting documentation shall be furnished by the board to the standing committees for appropriations of the senate and house of representatives.

(2) In the case of comprehensive salary and fringe benefit surveys, the board shall furnish the following supplementary data in support of its recommended salary schedule:

(a) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data.

(b) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on prevailing rate data obtained through the survey process and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;

(c) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the higher education personnel board with:

(i) Those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included; and

(ii) Those higher education personnel board classes which are substantially the same as classes being used by the department of personnel clearly marked to show the commonality of the classes between the two jurisdictions;

(d) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and

(e) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.

AMENDATORY SECTION (Amending Order 134, filed 7/31/85, effective 9/1/85)

WAC 251-08-100 PERIODIC INCREMENT DATE. (1) For purposes of payment of periodic increment increases, the effective date shall be determined as follows:

(a) The first of the current month for actions occurring between the first and the fifteenth of the month; or

(b) The first of the following month for actions occurring between the sixteenth and the end of the month.

(2) The periodic increment date of new employees or probationary employees who are reappointed to a new class during the probationary period shall be established:

(a) Upon completion of the six-month probationary period for those appointed at the first step in the salary range; or

(b) Upon completion of six months' service in a class with an extended probationary period for those appointed at the first step in the salary range; or

(c) Upon completion of twelve months' service in the class for those appointed at a salary step above the first step in the salary range.

(3) The periodic increment date of all employees shall be changed as follows:

(a) Upon promotion, the existing periodic increment date will be eliminated and a new date established to be effective upon completion of the trial service period;

(b) Upon reappointment of a probationary employee during the probationary period, the former periodic increment date will be eliminated and a new date established as provided in WAC 251-08-100(2);

(c) Upon reallocation under WAC 251-06-080 (1)(a) of an employee who is at the top step of the current salary range, the employee

will be given a new periodic increment date which will be six months following the reallocation action;

(d) When a leave of absence without pay exceeds ten working days in any calendar month, or exceeds ten consecutive working days, the date will be extended by one month, except as provided by WAC 251-22-165(5), 251-22-180, and 251-18-381;

(e) When employees return from layoff status, the date will be reestablished and extended by an amount of time equal to the period of layoff in order to give credit for time served in a salary step prior to layoff;

(f) When a cyclic year position leave of absence without pay exceeds ninety calendar days, the periodic increment date shall be extended on a month-for-month basis. Provisions of WAC 251-08-100 (3)(d) shall apply to that period exceeding the ninety calendar days. Cyclic year position employees serving a probationary or trial service period will have their periodic increment dates extended by an amount of time equal to the period in which the employee is on leave of absence without pay;

(g) When employees are reverted from trial service following promotion (or return from alternate appointment), the periodic increment date held prior to promotion or layoff will be reestablished;

(h) When the board or the director order remedial action per WAC 251-12-600, the periodic increment date may be modified as part of the order.

(4) The periodic increment date of all employees shall remain unchanged for all other actions including, but not limited to, transfer within class, appointment to another class with the same or lower salary range maximum, and reallocations except as provided in WAC 251-08-100 (3)(c).

(5) The periodic increment date for incumbents of exempt positions which are converted to classified status shall be established as provided in WAC 251-18-420.

AMENDATORY SECTION (Amending Order 108, filed 9/23/83, effective 10/24/83)

WAC 251-09-090 SPECIAL PAY. The board or the director may approve special pay ((due to)) for the following reasons:

(1) Unique working conditions((:)); or

(2) Employment problems such as recruitment and/or retention, or when special use requirements are necessary to maintain effective operation of the institution. Actions approved by the director are subject to confirmation by the board.

WSR 87-04-057 PROPOSED RULES HIGHER EDUCATION PERSONNEL BOARD

[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

New WAC 251-10-108 Preseparation or predisiplinary notice.
Amd WAC 251-10-120 Dismissal/separation—Grounds for Notice.

Amd WAC 251-10-140 Immediate dismissal;

that the agency will at 9:00 a.m., Friday, March 20, 1987, in the Fireside Lounge, Oppelt Student Center, Pierce College, Tacoma, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 20, 1987.

Dated: February 4, 1987
By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on February 4, 1987, and is filed pursuant to RCW 34.04.025.

Title: WAC 251-10-108 Preseparation or predisciplinary notice; 251-10-120 Dismissal/separation—Grounds for—Notice; and 251-10-140 Immediate dismissal.

Description of Purpose: To specify conditions for preseparation or prediscipline.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Specific Statute These Rules are Intended to Implement: RCW 28B.16.100(1).

Summary of Rules: Establishes criteria for preseparation or predisciplinary process; modifies immediate dismissal process to include preseparation or predisciplinary process.

Reasons Supporting Proposed Action: The United States Supreme Court required that an employee be given "some kind of hearing" prior to discharge of an employee who has constitutionally protected property interest in his employment. The name of the case is *Cleveland Board of Education vs. James Loudermill, et al.*

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director, Higher Education Personnel Board, 1201 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rule: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is a result of federal court action.

NEW SECTION

**WAC 251-10-108 PRESEPARATION OR
PREDISCIPLINARY NOTICE.** (1) Prior to dismissal, separation due to mental or physical incapacity, suspension, immediate dismissal, reduction in salary, or demotion of a permanent employee pursuant to WAC 251-10-120, 251-10-130, 251-10-140 or 251-10-150, the employing institution/related board shall make reasonable efforts to give the employee:

- (a) Oral or written notice of the charges against the employee;
- (b) An oral or written explanation of the evidence which forms the basis for the charges;
- (c) An oral or written statement of the action being contemplated by the employing official; and
- (d) A reasonable opportunity for the employee to present reasons, either orally or in writing, why the proposed action should not be taken.

(2) The requirement in subsection (1)(b) of this section shall not limit the employing institution/related board from presenting a more

detailed and complete case at an appeal hearing if the proposed action is taken and the employee appeals.

AMENDATORY SECTION (Amending Order 125, filed 2/25/85, effective 4/1/85)

WAC 251-10-120 DISMISSAL/SEPARATION—GROUNDS FOR—NOTICE. Appointing authorities may dismiss or separate a permanent employee for just cause as specified in WAC 251-10-110. The employee shall be provided written notice of the specified cause(s), specific charges, and the right to appeal the dismissal action to the board. The notice shall be furnished at least fifteen calendar days prior to the effective date of the action (unless the dismissal action is to be effective ((immediately)) as provided in WAC 251-10-140) and shall be furnished directly to the employee during his/her scheduled working hours, or if this is not possible because of the absence of the employee during his/her regularly scheduled working hours, mailed by certified letter to the employee's last known address. If the notification is furnished directly to the employee, the day it is furnished shall be counted as a day of notice. If the notification is mailed, the notice shall be considered received the same day as it is postmarked and the notice period shall be computed as provided in WAC 251-04-100. A copy of the notice to the employee shall be transmitted to the director.

AMENDATORY SECTION (Amending Order 117, filed 6/1/84)

WAC 251-10-140 IMMEDIATE DISMISSAL. ((When the)) After completion of the procedure required in WAC 251-10-108, if an appointing authority determines that a permanent employee is to be dismissed for cause as provided in WAC 251-10-110 and the circumstances are such that retention of the employee in an active duty status may result in damage to state property or may be injurious to the employee, fellow workers, or the client public, the employee may be dismissed immediately. The employee must be notified in writing as provided in WAC 251-10-120; however, ((but)) the fifteen calendar days notice requirement does not apply. The notification must state the cause for the dismissal and in addition the necessity for the immediacy of the action.

WSR 87-04-058 PROPOSED RULES COMMISSION ON JUDICIAL CONDUCT

[Filed February 4, 1987]

With the voters passage of SJR 136, the renamed Commission on Judicial Conduct has had to review its rules to conform with the provisions of the Constitutional Amendment. These rules are promulgated under the rulemaking authority of the Commission on Judicial Conduct as authorized in Article 4, section 31 of the Washington State Constitution.

Pursuant to RCW 34.08.020 please publish them in the next available State Register for comment by March 27, 1987 to be submitted in writing to the Commission on Judicial Conduct, 12th and Jefferson Building, Suite 9, Olympia, WA 98504.

Esther Garner
Executive Director

Reviser's note: The material contained in this filing will appear in the 87-05 issue of the Register as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 87-04-059**ADOPTED RULES****STATE BOARD OF EDUCATION**

[Order 1-87—Filed February 4, 1987]

Be it resolved by the State Board of Education, acting at the Westwater Inn, Olympia, Washington, that it does adopt the annexed rules relating to school district organization, chapter 180-24 WAC.

This action is taken pursuant to Notice No. WSR 87-01-116 filed with the code reviser on December 24, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.04.120(9) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 30, 1987.

By Monica Schmidt
Secretary

NEW SECTION

WAC 180-24-003 AUTHORITY. The general authority for this chapter is RCW 28A.04.120(9) which authorizes the state board of education to carry out powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW. This authority is supplemented by the following specific statutes:

(1) RCW 28A.04.130 which requires the state board of education to prescribe regulations governing the classification and numbering system of school districts;

(2) RCW 28A.57.055 which authorizes the state board of education to establish standards and considerations to be utilized by regional committees and the state board of education for approval of proposals for changes in the organization of school districts, including any equitable adjustment of the assets and liabilities of the districts involved in the reorganization;

(3) RCW 28A.57.032 which empowers the state board of education to establish regulations for the conduct of elections for membership on regional committees.

NEW SECTION

WAC 180-24-007 PURPOSE. The purpose of this chapter is to set forth policies and procedures of the state board of education related to the implementation of its authority pursuant to chapter 28A.57 RCW, Organization and Reorganization of School Districts, and its related authority within RCW 28A.04.130 pertaining to the classification and numbering of school districts.

NEW SECTION

WAC 180-24-008 CONSTITUTIONAL AND STATUTORY FRAMEWORK. Under the constitutional framework and the laws of the state of Washington, local school districts are political subdivisions of the state and, consequently, the organization of such districts—including the powers, duties, and boundaries thereof—may be altered or abolished by laws of the state of Washington. Current laws provide three alternative methods for changing district boundaries. They are:

(1) Consolidation of existing districts into a new district, pursuant to RCW 28A.57.170, which requires ratification by a majority of the registered voters within each district affected by the consolidation proposal;

(2) Transfer of territory from one district to another, pursuant to RCW 28A.57.180, and which requires ratification by a majority of the registered voters within the area to be transferred only if ten percent or more of the common school population within the district of the territory proposed to be transferred are affected;

(3) Dissolution and annexation of a district to one or more contiguous districts under conditions stated in RCW 28A.57.190 and 28A.57.200. Such conditions may require dissolution and annexation or may require the regional committee to give consideration to such action; but, in either case, no ratification by the registered voters within the dissolved school district is required.

NEW SECTION

WAC 180-24-013 STATE POLICY—THE PREFERRED FOUR-PART TEST. The state board of education is vested with the final administrative power and duty to judge and approve or disapprove recommended changes in the organization and extent of school districts as defined in RCW 28A.57.020 (hereafter referred to as a change in school district organization). Prior to acting upon a recommended change in school district organization, the state board of education shall consider the regional committee report required by WAC 180-24-115. No single consideration or combination of considerations necessarily warrants a change in school district organization. It, however, shall be the policy of the state board of education to favor those recommended changes in school district organization which in the board's judgment meet the following four-part test:

(1) Part one—Geographic accessibility. The first part of the test is that a recommended change in school district organization involves populated areas, and either (a) the area recommended for transfer from one school district to another is significantly more geographically accessible for school program purposes to the school district to which transfer is proposed, or (b) in the case of a recommended annexation or consolidation, the area or areas of the proposed enlarged or new district or districts taken as a whole is generally geographically accessible for school program purposes.

Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization shall be judged based upon the factors set forth in WAC 180-24-016.

(2) Part two—Significant detrimental effects, if any, on operational efficiency. The second part of the test is that at a minimum the recommended change in school district organization is not likely to have a significant detrimental effect upon the operational efficiency of any affected school district.

The likely effects of a recommended change in school district organization upon the operational efficiency of the affected school districts shall be judged based upon the factors set forth in WAC 180-24-017.

Part two of the test involves a minimum or threshold consideration respecting operational efficiency, and is not intended to disregard the desirability of effecting improvements in the organization and operation of school districts above and beyond a significant increase in geographic accessibility. Accordingly, the likely positive effects upon operational efficiency shall also be judged in accordance with the third part of the test.

(3) Part three—Overall satisfactory improvement in the school system. The third part of the test is that the likely positive and negative effects of a recommended change in school district organization respecting (a) geographic accessibility and (b) operational efficiency taken as a whole provide for a satisfactory improvement in the school district system of the counties and the state.

Part three of the test involves a judgmental weighing of the various degrees of the likely positive and negative effects of a recommended change in school district organization. In making this judgment the state board of education may consider such additional matters as the state board deems pertinent including, but not limited to, the region involved, the state's instructional and building programs, and economic patterns.

(4) Part four—Equitable adjustment of assets and liabilities. If the recommended change in school district organization necessarily involves a consideration of an adjustment in school district assets and liabilities, the fourth part of the test is that an equitable adjustment of assets and liabilities is provided for.

NEW SECTION

WAC 180-24-016 FACTORS PERTAINING TO GEOGRAPHIC ACCESSIBILITY. The matter of geographic accessibility generally involves a consideration of the extent to which two or more areas are, or are not, compatible in terms of travel to and from the areas. The following factors shall be considered in judging whether or not a recommended change in school district organization meets the first part of the test set forth in WAC 180-24-013:

(1) Mountains, hills, valleys, waste land, and related geographic and man-made features which either enhance or impede travel;

(2) Rivers, lakes, canals, and other natural or man-made waterways and bodies of water which either enhance or impede travel;

(3) The extent and nature of roads, highways, ferries, and traffic patterns;

(4) Climatic conditions; and

(5) The time required to travel to and from school.

NEW SECTION

WAC 180-24-017 FACTORS PERTAINING TO OPERATIONAL EFFICIENCY. The following factors shall be considered in judging pursuant to the second and third parts of the test set forth in WAC 180-24-013 the likely positive and negative effects of a recommended change in school district organization upon operational efficiency:

(1) The total and per pupil assessed property valuations of the affected school districts;

(2) The current and anticipated tax rates of the affected school districts for maintenance and operation, and capital bond retirement purposes;

(3) The extent the recommended change would reduce or increase a disparity in assessed property valuations as between the affected school districts;

(4) Equalization of the burden of financing the cost of high school facilities through the extension of a high school district's boundaries to include territory of a non-high district served by the high school districts;

(5) The extent the recommended change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts;

(6) The likely effects of the recommended change upon the existing basic education program offerings of the affected school districts, including related services, equipment, materials, and supplies;

(7) The likely effects of the recommended change upon the utilization of existing school buildings, sites, and playfields;

(8) The potential the recommended change would provide for the consolidation of programs into fewer schools and the closure of existing schools;

(9) The likely effects of the recommended change upon the existing or foreseeable needs of the affected school districts for the modernization or construction of facilities; and

(10) The likely effects of the recommended change upon economies in the administration and operation of the affected school districts due to the size of administrative units and areas of attendance.

NEW SECTION

WAC 180-24-021 STATUTORY FRAMEWORK FOR IMPLEMENTATION OF MODIFICATION IN SCHOOL DISTRICT ORGANIZATION. The provisions of chapter 28A.57 RCW govern the procedures for modification of school district organization. Key provisions of that chapter regarding the allocation of responsibility are:

(1) RCW 28A.57.050 which sets forth the powers and duties of regional committees to:

(a) Approve proposals for organization which provide for the satisfactory improvements in the school district system;

(b) Make proposals for the equitable adjustment of assets and liabilities of districts affected by the organization proposal; and

(c) Hold hearings on the above proposals.

(2) RCW 28A.57.110 which requires the superintendent of public instruction to provide personnel to assist

the regional committees in the performance of their respective duties.

(3) RCW 28A.57.060 which requires the state board of education to judge whether proposals for organization are satisfactory and/or whether proposals for adjustment of assets and liabilities are equitable.

NEW SECTION

WAC 180-24-080 NOTIFICATION TO SUPERINTENDENT OF PUBLIC INSTRUCTION OF REGIONAL COMMITTEE MEETINGS. The secretary of each regional committee—i.e., the educational service district superintendent—shall notify the superintendent of public instruction of all meetings of the regional committee called pursuant to RCW 28A.57.040 and all proposals pursuant to RCW 28A.57.050.

NEW SECTION

WAC 180-24-101 ORGANIZATIONAL IMPACT STATEMENT—REQUIREMENT. Prior to action by the regional committee to recommend approval, to reject or to revise a proposal for consolidation, transfer of territory, or dissolution and annexation, the superintendent of public instruction shall assist the regional committee, pursuant to WAC 180-24-102, in preparing an organizational impact statement which addresses each of the considerations noted in WAC 180-24-016 and 180-24-017.

NEW SECTION

WAC 180-24-102 REGIONAL COMMITTEE RESPONSIBILITY—ASSISTANCE OF SUPERINTENDENT OF PUBLIC INSTRUCTION. Pursuant to WAC 180-24-101, the superintendent of public instruction shall assist the regional committees with the following:

- (1) Providing technical advice;
- (2) Preparing the organizational impact statement which addresses each of the considerations noted in WAC 180-24-016 and 180-24-017;
- (3) Preparing findings of fact and conclusions; and/or
- (4) Other support that the superintendent of public instruction deems necessary.

NEW SECTION

WAC 180-24-110 ORGANIZATIONAL IMPACT STATEMENT—FORMAT. The organizational impact statement required by WAC 180-24-101 shall address for each of the considerations enumerated in WAC 180-24-016 and 180-24-017 the following questions:

- (1) Is there sufficient evidence to determine with reasonable certainty, the positive and negative effects of the proposal organization as related to the stated consideration?
- (2) If yes, what are those positive and/or negative effects?

(3) What significance do the positive and/or negative effects have on the determination of whether the proposed organization makes a satisfactory improvement in the school district system?

NEW SECTION

WAC 180-24-112 ADJUSTMENT OF ASSETS AND LIABILITIES CONSIDERATIONS. Upon determination that a change in school organization should be recommended to the state board of education, the regional committee shall consider the following factors in preparing its recommendations for an equitable adjustment in the assets and liabilities of the districts affected:

(1) The number of children of school age resident in and the assessed valuation of the property located in each school district and in each part of a district involved or affected.

(2) The purpose for which the bonded indebtedness of any district was incurred.

(3) The history and relationship of the property affected to the students and communities affected.

(4) The value, location, and disposition of all improvements located in the school districts involved or affected.

(5) Additional burdens to the districts affected as a result of the proposed organization.

(6) Any other equitable factor, in addition to factors noted above, which would cause the regional committee to adjust the assets and liabilities of the districts affected by other than a formula approach based on students affected and assessed valuation involved.

NEW SECTION

WAC 180-24-115 REPORT OF REGIONAL COMMITTEE TO STATE BOARD OF EDUCATION. Upon conclusion of the regional committee's favorable consideration for a change in the organization and extent of school districts, the regional committee shall transmit to the state board of education a report which contains all information required by RCW 28A.57.050 and the following additional information:

(1) The factual basis as to why the regional committee concluded that the proposed change in organization made a satisfactory improvement in the school district system;

(2) The factual basis as to why the regional committee concluded that the proposed adjustment in the assets and liabilities of the school districts affected would be equitable;

(3) A list of the public hearings held to consider the aforementioned proposals;

(4) A copy of the organizational impact statement required by WAC 180-24-101.

NEW SECTION

WAC 180-24-120 SUPERINTENDENT OF PUBLIC INSTRUCTION REVIEW OF REGIONAL COMMITTEE PROPOSALS. Reports of regional committees, pursuant to WAC 180-24-115, shall be reviewed by the superintendent of public instruction for

compliance with the provisions of this chapter. The superintendent of public instruction shall present to the state board of education the results of such review as well as recommended action to be taken by the state board of education in response to the regional committee's report. The superintendent of public instruction's recommendations shall be made prior to final action by the state board of education pursuant to RCW 28A.57.060.

NEW SECTION

WAC 180-24-125 STATE BOARD OF EDUCATION STANDARDS FOR DETERMINING WHETHER A REGIONAL COMMITTEE REPORT FOR ORGANIZATION IS SATISFACTORY. The considerations to be utilized by the state board of education in determining whether or not to approve the recommendation of a regional committee pursuant to RCW 28A.57.060 shall include but not be limited to the following:

(1) Compliance by the regional committee with the applicable provisions of chapter 28A.57 RCW and the implementing regulations of the state board of education;

(2) Sufficiency of the factual basis reported by the regional committee for its conclusion that the proposed change in the organization made a satisfactory improvement in the school system;

(3) Validity of the conclusion by the regional committee that the factual basis supported a conclusion that the proposed change in organization made a satisfactory improvement in the school district system.

NEW SECTION

WAC 180-24-130 STATE BOARD OF EDUCATION STANDARDS FOR DETERMINING WHETHER A REGIONAL COMMITTEE REPORT FOR ADJUSTMENT OF ASSETS AND LIABILITIES IS EQUITABLE. The considerations to be utilized by the state board of education in determining whether a regional committee report for adjustment of assets pursuant to RCW 28A.57.060 and liabilities is equitable include but are not necessarily limited to the following:

(1) Compliance by the regional committee with the applicable provisions of chapter 28A.57 RCW, particularly the equity considerations stated in RCW 28A.57.050(2), and the implementing regulations of the state board of education;

(2) Sufficiency of the factual basis reported by the regional committee for its conclusion that the proposed plan for adjustment of assets and liabilities is equitable;

(3) Validity of the conclusion by the regional committee that the factual basis supported a conclusion that the proposed plan for the adjustment of assets and liabilities is equitable.

NEW SECTION

WAC 180-24-140 DISAPPROVAL ACTION BY STATE BOARD OF EDUCATION. If the state board of education, pursuant to RCW 28A.57.060, judges that

the regional committee's proposal for a change in the organization and extent of districts is unsatisfactory or that its proposal for adjustment of assets and liabilities is inequitable, the state board of education shall state the reasons for its action and return the proposal to the regional committee pursuant to RCW 28A.57.060. In the event the proposal is rejected a second time by the state board of education following its resubmission, the rejection shall be final unless otherwise qualified by the board.

AMENDATORY SECTION (Amending Order 2-72, filed 6/27/72)

WAC 180-24-200 NUMBERING SYSTEM OF SCHOOL DISTRICTS. (1) Authority for rules. Pursuant to authority contained in RCW 28A.04.130, the state board of education hereby establishes the rules and regulations hereinafter set forth to govern the numbering system of school districts.

(2) Intent. It is the intent of the state board of education to establish a procedure by which school districts which currently have duplicate numbers and all new or consolidated districts may have the opportunity, consistent with these rules, to obtain a unique number.

(3) New or consolidated school district. Each proposal for the formation of a new school district when submitted to the state board of education for consideration shall be assigned a unique number by the superintendent of public instruction. In the event such proposal fails to receive state board approval or is rejected by the voters, the unused number shall remain available for reassignment.

(4) Renumbering of school districts to eliminate duplication. Application for renumbering of a school district to eliminate duplication shall be made by the superintendent of the school district concerned to the superintendent of public instruction, a copy of which shall be submitted to the ((intermediate school)) educational service district superintendent for his information. Assignment of a unique number shall be made by the superintendent of public instruction.

(5) Exception to rules. In accordance with RCW 28A.57.150, ((paragraph 5;)) the ((intermediate school)) educational service district superintendent has the authority to designate the number in case of the incorporation of a city or town containing territory lying in two or more school districts or of the uniting of two or more cities or towns not located in the same school district, except where the incorporation or consolidation would affect a district or districts of the first class.

(6) Superintendent of public instruction to administer numbering system. Consistent with the regulations hereinbefore set forth and pursuant to RCW 28A.03.030 ((and 28A.04.090)), the superintendent of public instruction hereby is authorized to act for the state board of education in the numbering and/or renumbering of school districts and to establish a procedure for administration of the numbering system.

NEW SECTION

WAC 180-24-300 ELECTION OF REGIONAL COMMITTEE MEMBERS—APPLICABLE PROVISIONS. The provisions of WAC 180-24-300 through 180-24-380 shall apply to the election of regional committee members.

NEW SECTION

WAC 180-24-305 ELECTION OF REGIONAL COMMITTEE MEMBERS—ELECTION OFFICER. In accordance with RCW 28A.57.032, the educational service district superintendent shall serve as the election officer for the coordination and conduct of the election of members of the respective regional committees of the educational service districts.

NEW SECTION

WAC 180-24-310 ELECTION OF REGIONAL COMMITTEE MEMBERS—ANNUAL ELECTIONS. Elections for members of regional committees shall be conducted annually within the time periods noted in WAC 180-24-312 through 180-24-380. Following the election of the initial regional committees in 1985, the regular annual election of regional committee members for five-year terms shall be conducted for the following positions in the years specified and every five years thereafter: 1986, position number five; 1987, positions number four and nine; 1988, positions number three and eight; 1989, positions number two and seven; and, 1990, positions number one and six.

NEW SECTION

WAC 180-24-312 ELECTION OF REGIONAL COMMITTEE MEMBERS—TENTATIVE CERTIFICATION OF ELECTORS. On September twenty-first of each year or if such date is a Saturday, Sunday, or holiday the state working day immediately preceding such date, the educational service district superintendent shall certify a tentative list of electors consisting of all persons eligible to vote, per RCW 28A.57.032, if the election were held on that date.

NEW SECTION

WAC 180-24-315 ELECTION OF REGIONAL COMMITTEE MEMBERS—CALL FOR ELECTION—REGIONAL COMMITTEE MEMBERS. On or before September twenty-fifth of each year, the educational service district superintendent shall call for an election for the purpose of electing members of the regional committee for those positions whose term of office expires in January of the following year. Such notice shall be sent to each eligible voter and shall contain instructions and a copy of the pertinent rules and regulations for the conduct of the election.

NEW SECTION

WAC 180-24-320 ELECTION OF REGIONAL COMMITTEE MEMBERS—CANDIDATES—ELIGIBILITY—FILING. (1) Eligibility. A person is eligible to be a candidate for membership on the regional

committee if he or she is a registered voter and a resident of the committee member district for which the candidate files. Eligibility, due to other service, is restricted pursuant to RCW 28A.57.031.

(2) Forms for filing. A person who desires to be a candidate shall complete:

(a) The declaration of candidacy and affidavit form provided for in WAC 180-24-325; and

(b) The biographical data form provided for in WAC 180-24-327: PROVIDED, That a declarant may elect not to submit biographical data.

(3) Filing period. The filing period for candidates for a position on a regional committee is from October first through October fifteenth. Any declaration of candidacy that is not received by the educational service district superintendent on or before 5:00 p.m. October fifteenth shall not be accepted and such a declarant shall not be a candidate: PROVIDED, That any declaration that is postmarked on or before midnight October fifteenth and received by mail on or before 5:00 p.m. October twentieth shall be accepted: PROVIDED FURTHER, That any declaration received pursuant to the United States mail on or before 5:00 p.m. October twentieth that is not postmarked or legibly postmarked shall also be accepted.

NEW SECTION

WAC 180-24-325 ELECTION OF REGIONAL COMMITTEE MEMBERS—DECLARATION AND AFFIDAVIT OF CANDIDACY FORM. The declaration and affidavit of candidacy which each candidate is required to substantially complete and to file as a condition to having his or her name placed on an official ballot shall be as follows:

I,, solemnly swear (or affirm): That I reside within the boundary of Educational Service District No. . . ., within the boundary of regional committee member district No. . . ., and am a registered voter of the same regional committee member district; That I am aware that, if elected, I cannot concurrently serve as the superintendent of public instruction, a member of the state board of education, an educational service district superintendent, a member of a board of directors of a school district, a member of an educational service district board, a member of a governing board of either a private school or a private school district which conducts any grades kindergarten through twelve, an officer appointed by any such governing board, an employee of a school district, an employee of an educational service district, an employee of the office of the superintendent of public instruction, an employee of a private school, or an employee of a private school district; and That I hereby declare myself a candidate for membership on Educational Service District No. . . . Regional Committee on school district organization for a term of five years beginning the second Monday in January, 19..., subject to the election to be held pursuant to law and I request that my name be listed on the ballot therefor.

Further, I solemnly swear (or affirm) that I will support the Constitution and laws of the state of Washington.

(Signed) _____
Address: _____

SUBSCRIBED and sworn (or affirmed) to before me this ... day of, 19....

NOTARY PUBLIC in
and for the state
of Washington, residing
at _____

NEW SECTION

WAC 180-24-327 ELECTION OF REGIONAL COMMITTEE MEMBERS—BIOGRAPHICAL DATA FORM. The educational service district superintendent shall provide a biographical data form not exceeding two letter size typewritten pages in length which each candidate may complete. Completed forms submitted to the educational service district superintendent by a candidate must be camera ready. Biographical data forms shall be reproduced as submitted and distributed by the superintendent with the ballots to each voter. The biographical data form shall require no more information from the candidate than the candidate's name and address and the regional committee district number for which the candidate is filing.

NEW SECTION

WAC 180-24-330 ELECTION OF REGIONAL COMMITTEE MEMBERS—WITHDRAWAL OF CANDIDACY. Any candidate may withdraw his or her declaration of candidacy by delivering a written, signed and notarized statement of withdrawal to the educational service district superintendent on or before 5:00 p.m. October twentieth. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot.

A regional committee member district position shall be stricken from the ballot if no candidate files for the position within the timelines specified in WAC 180-24-320.

Board-member district positions which become vacant after the call of election specified in WAC 180-24-315 shall be filled by appointment by the regional committee pursuant to RCW 28A.57.033 and the appointee shall serve until his or her successor has been elected at the next election called by the educational service district superintendent.

NEW SECTION

WAC 180-24-335 ELECTION OF REGIONAL COMMITTEE MEMBERS—CERTIFICATION OF ELECTORS. The list of eligible voters as authorized by RCW 28A.57.032(3) shall remain open for changes and deletions until 5:00 p.m. October twenty-sixth or, in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such

date. The educational service district superintendent as soon thereafter as is practical shall certify the list of electors.

NEW SECTION

WAC 180-24-340 ELECTION OF REGIONAL COMMITTEE MEMBERS—BALLOTS—CONTENTS. Ballots shall be prepared by the educational service district superintendent. The ballot for each position subject to election pursuant to this chapter shall contain the names of each candidate eligible for the particular position. There shall be a separate listing of the candidates for each regional committee member district open in the particular educational service district. The educational service district superintendent shall develop voting instructions which shall accompany the ballots.

NEW SECTION

WAC 180-24-345 ELECTION OF REGIONAL COMMITTEE MEMBERS—BALLOTS AND ENVELOPES—MAILING TO VOTERS. (1) On or before November first ballots shall be mailed to voters together with two envelopes to be used for voting. The outer and larger envelope (i.e., official ballot envelope) shall:

- (a) Be labeled "official ballot";
- (b) Be preaddressed with the educational service district superintendent as addressee;
- (c) Have provision for prepaid postage; and
- (d) Have provision for the identification of the voter, mailing address, his or her school district, and educational service district.

The inner and smaller envelope shall be unlabeled and unmarked.

(2) One ballot and two envelopes to be used for voting purposes and pertinent instructions for voting purposes shall be mailed to each member of a public school district board of directors as certified by the educational service district superintendent pursuant to WAC 180-24-335.

NEW SECTION

WAC 180-24-350 ELECTION OF REGIONAL COMMITTEE MEMBERS—VOTING—MARKING AND RETURN OF BALLOTS. (1) The election shall be conducted in strict accordance with the requirements of RCW 28A.57.032.

(2) **Marking of ballots.** Each member of a public school district board of directors may vote for one of the candidates in each regional committee district named on his or her ballot by placing an "X" or other mark in the space provided next to the name of a candidate.

(3) **Return of ballots.** Each member of a public school district board of directors shall complete voting by:

- (a) Placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same;
- (b) Placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same;

(c) If not already designated, completing the following information on the face of the official ballot envelope: Name, mailing address, identification of school district, and educational service district;

(d) Placing the official ballot envelope in the United States mail to the superintendent of the educational service district.

NEW SECTION

WAC 180-24-355 ELECTION OF REGIONAL COMMITTEE MEMBERS—ELECTION BOARD—APPOINTMENT AND COMPOSITION. The educational service district board shall annually appoint a three member election board and at least one alternate who shall serve thereon in the absence of a regular member of the election board. Votes cast at elections, conducted pursuant to this chapter shall be counted by the educational service district superintendent or his or her designee and the election board.

NEW SECTION

WAC 180-24-360 ELECTION OF REGIONAL COMMITTEE MEMBERS—RECEIPT OF BALLOTS AND COUNT OF VOTES. (1) As official ballot envelopes are received by the educational service district superintendent, a preliminary determination shall be made as to the eligibility of the voter, and a record shall be made on a list of eligible voters that the voter has voted. Official ballot envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election board.

(2) The election board shall convene for the purpose of counting votes after November twenty-first and not later than November twenty-fifth or the next business day if the twenty-fifth falls on a Saturday, Sunday, or legal holiday at a date, time and place designated by the educational service district superintendent. Official ballot envelopes that are accepted by the election board shall be opened, and the inner envelopes containing ballots shall be removed and placed aside, still sealed. The inner envelopes shall then be opened and the votes counted by the election board.

(3) No record shall be made or maintained of the candidate for which any voter cast his or her vote.

(4) Each vote cast shall count as one full vote, and a candidate shall be elected by a majority of the total votes cast for all candidates for the particular position.

NEW SECTION

WAC 180-24-365 ELECTION OF REGIONAL COMMITTEE MEMBERS—INELIGIBLE VOTES. The following ballots and votes shall be declared void and shall not be accepted:

- (1) Votes for write-in candidates;
- (2) Votes cast on other than an official ballot provided pursuant to this chapter;
- (3) Ballots which contain a vote for more than one candidate in a regional committee member district;
- (4) Ballots contained in other than an official ballot envelope provided pursuant to this chapter;

(5) Ballots contained in an official ballot envelope upon which the voter's name is not designated;

(6) Ballots received after 5:00 p.m. November sixteenth: PROVIDED, That any ballot that is postmarked on or before midnight November sixteenth and received prior to the initial counting of votes by the election board shall be accepted: PROVIDED FURTHER, That any ballot received pursuant to the United States mail on or before 5:00 p.m. on November twenty-first that is not postmarked or legibly postmarked shall also be accepted; and

(7) Such other ballots or votes as the election board shall determine to be unidentifiable or unlawful.

NEW SECTION

WAC 180-24-370 ELECTION OF REGIONAL COMMITTEE MEMBERS—RECOUNT OF VOTES CAST—AUTOMATIC—BY REQUEST. (1) Automatic. A recount of votes cast shall be automatic if the difference between any two viable candidates for the same position is one vote or less than one percent of votes cast for the position, whichever is greater. For the purpose of this section, the term viable candidate shall mean any candidate whose election outcome could be changed if the difference noted above were added to his or her total votes.

(2) Upon request. A recount of votes cast shall be afforded any candidate as a matter of right: PROVIDED, That the request shall be made in writing and received by the educational service district superintendent within seven calendar days after the date upon which the votes were counted by the election board.

NEW SECTION

WAC 180-24-375 ELECTION OF REGIONAL COMMITTEE MEMBERS—CERTIFICATION OF ELECTION. Within ten calendar days after the date upon which the votes were counted, the educational service district superintendent shall officially certify to the superintendent of public instruction the name or names of candidates elected to membership on the regional committee.

NEW SECTION

WAC 180-24-380 ELECTION OF REGIONAL COMMITTEE MEMBERS—RUN OFF ELECTIONS. If no candidate receives a majority of the votes cast, then, not later than the first day of December, the educational service district superintendent shall call a second election to be conducted in the same manner as the first election and at which the candidates shall be the two candidates receiving the highest and next highest number of votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of December, or if not postmarked or the postmark is not legible, if received by mail after 5:00 p.m. of the twenty-first day of December. Votes cast at the second election shall be counted in accordance with WAC 180-24-355, 180-24-360, 180-24-365, and 180-24-370 prior to the second Monday of January next following. The candidate receiving a majority of the votes

cast at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the educational service district superintendent.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-24-005 CHANGES IN ORGANIZATION AND EXTENT OF SCHOOL DISTRICTS—REGULATORY PROVISIONS PURSUANT TO CHAPTER 28A.57 RCW.

WAC 180-24-010 CHANGES IN ORGANIZATION AND EXTENT OF SCHOOL DISTRICTS—GUIDELINES FOR COUNTY COMMITTEES—GENERAL.

WAC 180-24-015 CHANGES IN ORGANIZATION AND EXTENT OF SCHOOL DISTRICTS—PLANNING ORGANIZATIONAL IMPROVEMENTS.

WAC 180-24-020 CHANGES IN ORGANIZATION AND EXTENT OF SCHOOL DISTRICTS—PRINCIPLES AND POLICIES GOVERNING STATE ASSISTANCE IN PROVIDING SCHOOL FACILITIES AS RELATED TO SCHOOL DISTRICT ORGANIZATION.

WAC 180-24-025 CHANGES IN ORGANIZATION AND EXTENT OF SCHOOL DISTRICTS—ADMINISTRATIVE PROCEDURES.

WAC 180-24-030 CHANGES IN ORGANIZATION AND EXTENT OF SCHOOL DISTRICTS—GLOSSARY OF TERMS.

WAC 180-24-100 RULES FOR CLASSIFICATION OF SCHOOL DISTRICTS.

WSR 87-04-060 PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning restrictions on the use of restricted use herbicides in chapters 16-230, 16-231 and 16-232 WAC;

that the agency will at 10:00 a.m., Wednesday, March 11, 1987, in the Pasco Red Lion, 2525 North 20th, Pasco, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 1, 1987.

The authority under which these rules are proposed is chapters 15.58 and 17.21 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1987.

Dated: February 4, 1987

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: Chapters 16-230, 16-231 and 16-232 WAC.

Description of Purpose: To further restrict the use of phenoxy herbicides in certain counties in Eastern Washington.

Statutory Authority: Chapters 17.21 and 15.58 RCW.

Summary of Rules: The amendatory changes would increase restrictions on restricted use herbicides and prohibit the aerial application of phenoxy herbicides after April 1 in certain counties of Eastern Washington.

Reasons for Supporting Proposed Rules: There has been damage to grape crops during 1986 caused by drift of phenoxy herbicides.

Agency Personnel Responsible for Drafting, Implementing and Enforcing Rules: Art G. Losey, Assistant Director, Chemical and Plant Division, 406 General Administration Building, Olympia, WA 98504, phone (206) 753-5062.

Persons Proposing Rules: Washington State Grape Society.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1585, filed 12/20/78)

WAC 16-230-470 RESTRICTED USE HERBICIDES—SPOKANE COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over ((+2)) twelve miles per hour throughout the year: PROVIDED, That no wind restrictions shall apply when an approved hooded boom sprayer is used.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-615 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—SALE AND DISTRIBUTION. Liquid formulations of restricted use herbicides distributed in packages of one gallon ((and)) or larger in counties located east of the crest of the Cascade Mountains shall be sold and distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives except for ready-to-use formulations of fifteen percent or less active ingredient labeled for home and garden use in containers up to and including one gallon in size.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-640 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—WEATHER AND TEMPERATURE CONDITIONS. Restricted use herbicides shall not be applied on and after ((May)) April 1 through October 31 of each year when there is a temperature inversion; or throughout the year if weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization, or the temperature is 85°F. or above at the point of application: PROVIDED, That application at the rate of fifty gallons or more per acre by use of handgun spray equipment only shall be exempt from the 85°F. temperature cutoff requirement: PROVIDED FURTHER, That when using the invert system, applications may continue up to 95°F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre. No application is to be made within one mile of any commercial grape vineyard.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-645 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—EVENING CUTOFF. On and after ((May)) April 1 through October 31 of each year, the application of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: PROVIDED, That if there is a mean sustained legal wind velocity of not less than five miles per hour the application of restricted use herbicides shall be allowed in Areas 3 and 4 up to one hour prior to sunset in all counties ((under order)) as restricted by rule except Benton, Franklin, Yakima, and Walla Walla counties.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-650 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—APPLICATION PERMIT. The Washington state department of agriculture may issue a permit, upon receipt of a written request, to mix, load and apply certain restricted use herbicides for purposes of critical weed control when such activities are restricted ((in the area under order)) by rule. The director ((with)) may consider recommendations of the 2,4-D committee for the county in question: PROVIDED, That the 2,4-D committee is kept current for each county.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-655 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—GROUND EQUIPMENT PRESSURE REQUIREMENTS. Pressure shall not exceed ((25 psi)) twenty-five pounds per square inch at the nozzles: PROVIDED, That pressure up to ((50 psi)) fifty pounds per square inch at the nozzle may be used for ((an invert system and for)) equipment with handguns, up to ninety pounds per square inch at the nozzle manifold for an invert system.

AMENDATORY SECTION (Amending Order 1677, filed 2/20/80)

WAC 16-231-020 RESTRICTED USE HERBICIDES—BENTON COUNTY—AREA 2. (1) Area 2 description. (a) (Buffer zone surrounding Prosser, Benton City, Kiona and Kennewick areas.) Section 19 through 36, T10N, R24E, R25E and R26E; those portions of Sections 30 and 31, T10N, R27E, lying west of the Yakima River; Sections 13, 14, and 20 through 36, T8N, R24E; Sections 1 through 4, 8 through 12, 15 through 22, T8N, R25E; Sections 35 and 36, T9N, R25E; Sections 1 through 12, T8N, R26E; Sections 25 through 36, T9N, R26E; Sections 1 through 16, Sections 21 through 25, and Section 36, T8N, R27E; Sections 1, 2, 11, and 12, T7N, R28E; that portion of T8N, R28E lying south of the Burlington Northern Railroad tracks; Sections 1 through 12, T7N, R29E; Sections 15 through 22, Sections 25 through 36 and those portions of Sections 7, 8, 9, 14, 15, 23 and 24 lying south and west of the K.I.D. Canal, T8N, R29E; Sections 1 through 12, T7N, R30E; Sections 31 and those portions of Sections 29, 30, 32, 33 and 34 lying south and west of the K.I.D. Canal, T8N, R30E; and those portions of Sections 5 through 8, T7N, R31E, lying in Benton County.

(b) Also including an area beginning at the boundary of (Yakima and Benton Counties in Benton County at the northwest corner of) Section 19, T13N, R24E; thence east 3 miles to the northeast corner of Section 21, T13N, R24E; thence south 1 mile to the southeast corner of Section 21, T13N, R24E; thence east 1 mile to the northeast corner of Section 27, T13N, R24E; thence south 4 miles to the southwest corner of Section 10, T12N, R24E; thence west to the southwest corner (Yakima-Benton County line) of Section 7, T12N, R24E; thence north to the point of beginning.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April ((5)) 1 through October 31.

(b) On and after April ((5)) 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April ((5)) 1 through October 31, aircraft applications of restricted use herbicides shall be ((made using danger area restrictions (see WAC 16-230-675)). PROVIDED, That aircraft applications of restricted use herbicides on other than growing crops shall be considered through written request to the Washington state department of agriculture. Aircraft applications shall be prohibited within one mile of commercial vineyards and within one-quarter mile of other

susceptible crops. On and after November 1 through April 4 of the following year, aircraft applications shall be made using caution area restrictions (see WAC 16-230-675)) prohibited.

AMENDATORY SECTION (Amending Order 1677, filed 2/20/80)

WAC 16-231-030 RESTRICTED USE HERBICIDES—BENTON COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, and 3 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such application shall be prohibited in Area 1 on and after April ((5)) 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: PROVIDED FURTHER, That no wind restrictions shall apply when an approved hooded boom sprayer is used.

AMENDATORY SECTION (Amending Order 1726, filed 3/16/81)

WAC 16-231-115 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—AREA 1. (1) Area 1 description. (Lands generally within the Columbia Basin irrigation project.) This area includes all lands lying within a boundary line starting at the Columbia River and the south section line of Section 24, T13N, R27E; thence east along the section lines and the Basin Hill Road seventeen miles more or less to state Highway 17; thence northerly along state Highway 17, five miles more or less to state Highway 260; thence east along state Highway 260 five miles more or less to the Moor Road; thence north two miles more or less to the Burlington Northern Railroad tracks; thence northwesterly four miles more or less along the Burlington Northern tracks to the Adams County line; thence west nineteen miles more or less along the Adams County line to the northwest corner of Section 6, T14N, R28E; thence south four miles along the Grant County line to the southwest corner of Section 19, T14N, R28E; thence west four miles more or less to the Columbia River; thence southerly and easterly along the Columbia River six miles more or less to the south section line of Section 24, T13N, R27E.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April ((5)) 1 through October 31 of each year: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April ((5)) 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through ((April 4)) March 31 of the following year, aircraft applications of restricted use herbicides shall be allowed using the caution area restrictions (see WAC 16-230-675). ((On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be allowed using the danger area restrictions (see WAC 16-230-675).))

(d) On and after April ((5)) 1 through October 31, aircraft applications of restricted use herbicides shall be prohibited ((within one mile of any commercial vineyard)): PROVIDED, That on and after April ((5)) 1 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after April ((5)) 1 through April 30 written requests to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

AMENDATORY SECTION (Amending Order 1726, filed 3/16/81)

WAC 16-231-120 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—AREA 1A. (1) Area 1A description. (a) This area includes all lands lying within a boundary line starting at the Snake River and the east section line of Section 25, T9N, R30E; thence north fifteen miles more or less along the section lines to the northeast corner of Section 12, T11N, R30E; thence west one mile more or less to state Highway 17; thence north along state Highway 17 nine miles more or less to the Basin Hill Road; thence west seventeen miles more or less along the Basin Hill Road and the section lines to the south section of Section 24, T13N, R27E and the Columbia River; thence south and southeasterly along the Columbia River to the Snake River; thence northeasterly along the Snake River to the east section line of Section 25, T9N, R30E.

(b) Also including (Ice Harbor Dam area) Levey: This area includes all lands lying within a two mile radius of Levey within Franklin County.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April ((5)) 1 through October 31 of each year: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April ((5)) 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after April ((5)) 1 through October 31, aircraft applications of restricted use herbicides shall be prohibited ((except by written permit issued by the department)): PROVIDED, That on and after November 1 through ((April 4)) March 31 of the following year, aircraft applications of restricted use herbicides shall be allowed using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1726, filed 3/16/81)

WAC 16-231-125 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—AREA 2. (1) Area 2 description. This area includes all of the lands in Franklin County lying west and south of a line starting at the northwest corner of Section 36, T14N, R30E; thence east along the Hendricks Road five miles more or less to the northeast corner of Section 34, T14N, R31E; thence south fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road to the Brass Road; thence easterly along the Brass Road to the Bannenburg Road; thence southeasterly along the Bannenburg Road to the northwest corner of Section 6, T10N, R33E; thence south along the section line to the Snake River; thence southwesterly along the Snake River to the east section line of Section 25, T9N, R30E; thence north fifteen miles more or less along the section lines to the northeast corner of Section 12, T11N, R30E; thence west one mile more or less to state Highway 17; thence northerly along state Highway 17 fourteen miles more or less to the northwest corner of Section 36, T14N, R30E excluding lands in Franklin County within a two mile radius of the town of Levey.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: PROVIDED, That ground applications of low volatile formulations of restricted use herbicides may be made from April 5 through April 30 using nozzles having a minimum orifice diameter of 0.036 inches.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1676, filed 2/20/80)

WAC 16-231-145 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Area 1 and 1A on and after April ((5)) 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: PROVIDED FURTHER, That no wind restrictions shall apply when an approved hooded boom sprayer is used.

AMENDATORY SECTION (Amending Order 1675, filed 2/20/80)

WAC 16-231-215 RESTRICTED USE HERBICIDES—YAKIMA COUNTY—AREA 1. (1) Area 1 description. (An area south of the Yakima firing center including the upper and lower Yakima Valley.) An area starting at the Yakima-Benton County line and the northeast corner of Section 1, T11N, R23E; thence west along section lines seventeen miles more or less to the southeast corner of Section 31, T12N, R21E; thence north eight miles along section lines to the northeast corner of Section 30, T13N, R21E; thence west along section lines eleven miles to the Yakima River; thence northwesterly

along the Yakima River four miles more or less to the junction of the Yakima and Naches Rivers; thence northwesterly along the Naches River for seven miles more or less to the northwest corner of Section 31, T14N, R18E; thence south one mile along the section line to the southwest corner of Section 31, T14N, R18E; thence west along section lines six miles to the northwest corner of Section 6, T13N, R17E; thence south twenty-four miles along section lines to the southwest corner of Section 31, T10N, R17E; thence east twenty-four miles along section lines to the southeast corner of Section 36, T10N, R20E; thence south six miles along section lines to the southwest corner of Section 31, T9N, R21E; thence east six miles along section lines to the northwest corner of Section 6, T8N, R22E; thence south six miles along section lines to the southwest corner of Section 31, T8N, R22E; thence east twelve miles along section lines to the Benton County line; thence north twenty-four miles to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April ((5)) 1 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops at any time.

(b) On and after April ((5)) 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides shall be allowed only on nonirrigated lands on and after November 1 through ((April 4)) March 31 of the following year and shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications of restricted use herbicides shall be prohibited on and after April ((5)) 1 through October 31 ((- PROVIDED, That aircraft applications shall be allowed using the warning area restrictions in those dry land wheat growing areas east of Moxee and on the Rattlesnake Ridge up to within one mile of commercial grape plantings and to within one-quarter mile of other susceptible crops: PROVIDED, That hormone sprays may be applied to orchards to prevent fruit drop)).

AMENDATORY SECTION (Amending Order 1675, filed 2/20/80)

WAC 16-231-225 RESTRICTED USE HERBICIDES—YAKIMA COUNTY—AREA 2. (1) Area 2 descriptions. All remaining lands in Yakima County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April ((5)) 1 through October 31.

(b) On and after April ((5)) 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April ((5)) 1 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1675, filed 2/20/80)

WAC 16-231-235 RESTRICTED USE HERBICIDES—YAKIMA COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 1A and 2 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such application shall be prohibited in Areas 1 and 1A on and after April ((5)) 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: PROVIDED FURTHER, That no wind restrictions shall apply when an approved hooded boom sprayer is used.

AMENDATORY SECTION (Amending Order 1674, filed 2/20/80)

WAC 16-231-315 RESTRICTED USE HERBICIDES—ADAMS COUNTY—AREA 1. (1) Area 1 description. (Lands generally lying within the Columbia Basin irrigation project east of Warthen and in the Othello area.) An area starting at the intersection of the East Low Canal and Grant-Adams County line in Section 18, T18N, R31E; thence southerly along the East Low Canal to the intersection of the East Low Canal and the Grant-Adams County line near the southwestern corner of Section 17, T17N, R31E; thence north six miles more or less to the point of beginning; and also all lands within a line starting at the intersection of the East Low Canal and the Grant-Adams County line near the corner of Section 6, T16N, R30E; thence

southeasterly along the East Low Canal to the Adams-Franklin County line and the southwest corner of Section 31, T15N, R28E; thence north along the Grant-Adams County line beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April ((+5)) 1 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April ((+5)) 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April ((+5)) 1 through October 31, aircraft applications of restricted use herbicides shall be ((made using the danger area restrictions (see WAC 16-230-675))) prohibited.

AMENDATORY SECTION (Amending Order 1674, filed 2/20/80)

WAC 16-231-340 RESTRICTED USE HERBICIDES—ADAMS COUNTY—WIND CONDITIONS. (1) Area 1 and 2. (a) The use or application of restricted use herbicides shall be prohibited on and after April 16 through October 31 when the mean sustained wind velocity is over ten miles per hour.

(b) The use or application of restricted use herbicides shall be prohibited on and after November 1 through ((April 15)) March 31 of the following year when the mean sustained wind velocity is over twelve miles per hour: PROVIDED, That application of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre.

(2) Area 3 and 4. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour: PROVIDED, That ground applications of restricted use herbicides are allowed when using No. 2RD or 2RA raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less: PROVIDED FURTHER, That ((application of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre)) no wind restrictions shall apply when an approved hooded boom sprayer is used.

AMENDATORY SECTION (Amending Order 1673, filed 2/20/80)

WAC 16-231-425 RESTRICTED USE HERBICIDES—COLUMBIA COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Area 2 and 4 when the mean sustained velocity is over twelve miles per hour throughout the year: PROVIDED, That such application shall be prohibited in Area 2 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: PROVIDED FURTHER, That no wind restrictions shall apply when an approved hooded boom sprayer is used.

AMENDATORY SECTION (Amending Order 1672, filed 2/20/80)

WAC 16-231-530 RESTRICTED USE HERBICIDES—WHITMAN COUNTY—WIND CONDITIONS. (1) Areas 1 and 3.

(a) On and after April 15 through October 31, the use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over seven miles per hour.

(b) On and after November 1 through April 14 the following year, the use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour.

(2) Area 4. The use or application of restricted use herbicides is prohibited when the mean sustained wind velocity is over twelve miles per hour: PROVIDED, That ground applications of restricted use herbicides are allowed when using No. 2RD or No. 2RA Raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less.

(3) All Areas. No wind restrictions shall apply when an approved hooded boom sprayer is used.

AMENDATORY SECTION (Amending Order 1668, filed 2/20/80)

WAC 16-231-620 RESTRICTED USE HERBICIDES—KLICKITAT COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That no wind restrictions shall apply when an approved hooded boom sprayer is used.

AMENDATORY SECTION (Amending Order 1666, filed 2/20/80)

WAC 16-231-720 RESTRICTED USE HERBICIDES—OKANOGAN COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That no wind restrictions shall apply when an approved hooded boom sprayer is used.

AMENDATORY SECTION (Amending Order 1667, filed 2/20/80)

WAC 16-231-840 RESTRICTED USE HERBICIDES—DOUGLAS AND CHELAN COUNTIES—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through April 15 of the following year, and over seven miles per hour from April 16 through October 31: PROVIDED, That no wind restrictions shall apply when an approved hooded boom sprayer is used.

AMENDATORY SECTION (Amending Order 1670, filed 2/20/80)

WAC 16-231-910 RESTRICTED USE HERBICIDES—GRANT COUNTY—AREA 1. (1) Area 1 description. (Lands generally within the Columbia Basin irrigation project.) An area starting at the southwest corner of Section 21, T14N, R27E; thence east along the county line four miles more or less to the southeast corner of Section 24, T14N, R27E; thence north along the county line sixteen miles to the southwest corner of Section 31, T17N, R28E; thence east along the county line thirteen miles more or less to the East Low Canal; thence northerly and easterly along the East Low Canal to the Adams County line; thence north along the Grant-Adams County lines six miles more or less to the East Low Canal; thence northwesterly along the East Low Canal to the southeast boundary of Block 70; thence easterly, northerly, and westerly, encompassing Block 70, Soap Lake and Block 701, to the West Main Canal; thence southwesterly along the West Main Canal to the north boundary line of Unit 1, Block 73; thence westerly along the northern boundary line of Block 73 to the northwest corner of Unit 278; then due west to the Willow Springs Draw; thence down Willow Springs Draw to the Columbia River; thence southerly ((and easterly)) along the Columbia River to the south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence south and east along Highway 24 to Vernita Bridge; thence easterly along the Columbia River to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

(e) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after April 15 through October 31, written requests to apply MCPA to peas and corn

located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after April 15 through April 30 written request to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

NEW SECTION

WAC 16-231-912 RESTRICTED USE HERBICIDES—GRANT COUNTY—AREA 1A. (1) Area 1A description. In the southwestern part of the county starting at the west end of the crest of Saddle Mountain at the Columbia River, south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to the Vernita Bridge at the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

(2) Area 1A restrictions. (a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 1 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through March 31 of the following year.

(b) On and after April 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having a minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through March 31 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675.)

(d) On and after April 1 through October 31, aircraft applications of restricted use herbicides shall be prohibited.

AMENDATORY SECTION (Amending Order 1670, filed 2/20/80)

WAC 16-231-935 RESTRICTED USE HERBICIDES—GRANT COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 and 1A when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through ((April 15)) March 31 of the following year, and over ten miles per hour from April ((16)) 1 through October 31: PROVIDED, That ((applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre)) no wind restrictions shall apply when an approved hooded boom sprayer is used.

AMENDATORY SECTION (Amending Order 1724, filed 3/13/81)

WAC 16-232-010 RESTRICTED USE HERBICIDES—WALLA WALLA COUNTY—AREA 1. (1) Area 1 description. (Columbia River Buffer area,) An area starting at the intersection of the Northern Pacific Railroad and the Washington—Oregon state line, ((Section 15,)) Section 15, T6N, R32E; thence north ((nineteen miles more or less to the Snake River, thence westerly along the Snake River and)) to the northeast corner of Section 15, T7N, R32E; thence east to the intersection of Section 10, T7N, R33E; thence 14 Sections north with a portion of the north to south boundary being the Touchet River Road to its intersection with State Route 124; thence west approximately one-half mile to the intersection of State Route 124 and G.M. Rice Road; thence northerly along G.M. Rice Road to the Snake River; thence southwesterly along the Snake River to the Columbia River; thence southerly along the Columbia River to the Washington—Oregon state line; thence east to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited on and after April ((5)) 1 through October 31.

(b) On and after April ((5)) 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April ((5)) 1 through April 30, aerial applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

(d) On and after May 1 through October 31, aerial applications shall be prohibited except by written permit issued by the department.

AMENDATORY SECTION (Amending Order 1665, filed 2/20/80)

WAC 16-232-035 RESTRICTED USE HERBICIDES—WALLA WALLA COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 2A and 3 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Areas 1 and 2 on and after April ((5)) 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: PROVIDED FURTHER, That no wind restrictions shall apply when an approved hooded boom sprayer is used.

AMENDATORY SECTION (Amending Order 1671, filed 2/20/80)

WAC 16-232-225 RESTRICTED USE HERBICIDES—GARFIELD COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Areas 2 and 3 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: PROVIDED FURTHER, That no wind restrictions shall apply when an approved hooded boom sprayer is used.

AMENDATORY SECTION (Amending Order 1754, filed 3/31/82)

WAC 16-232-315 RESTRICTED USE HERBICIDES—KITTITAS COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Area 1 when the mean sustained wind velocity is over twelve miles on and after April 15 through October 31: PROVIDED, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: PROVIDED FURTHER, That no wind restrictions shall apply when an approved hooded boom sprayer is used.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-232-125 WIND CONDITIONS.

**WSR 87-04-061
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)
[Order 2466—Filed February 4, 1987]**

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Appendix B—Dates of documents adopted by reference in chapter 248-18 WAC (hospitals), amending WAC 248-18-99902.

This action is taken pursuant to Notice No. WSR 87-01-070 filed with the code reviser on December 17, 1987 [1986]. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.41.030 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 2, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 280, filed 2/15/85)

WAC 248-18-99902 APPENDIX B—DATES OF DOCUMENTS ADOPTED BY REFERENCE IN CHAPTER 248-18 WAC. (1) NATIONAL FIRE PROTECTION ASSOCIATION (NFPA), 99, Chapter 3, 1984.

(2) Use of the guide, published by the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), recommended for design of heating and ventilating systems. ASHRAE Handbook series – ((four)) five volumes: 1982 Applications; 1983 Equipment; 1984 Systems; ((+98+)) 1985 Fundamentals; 1986 Refrigeration.

(3) UNIFORM PLUMBING CODE, International Association of Plumbing and Mechanical Officials (IAPMO), ((+982)) 1985 edition.

(4) NATIONAL FIRE PROTECTION ASSOCIATION (NFPA), 56F, 1983.

(5) NATIONAL FIRE PROTECTION ASSOCIATION (NFPA), ((90A-198+)) 90A-1985.

(6) Food Service Equipment Standards of the National Sanitation Foundation, 1984, NSF Bldg., P.O. Box 1468, Ann Arbor, Michigan 48106.

(7) Recommend use of the following standards:

(a) "Classification of Etiologic Agents on the Basis of Hazard"

United States Department of Health and Human Services Publication

Public Health Service

Centers for Disease Control

Office of Biosafety

Atlanta, Georgia 30333

(b) "Selecting a Biological Safety Cabinet"

United States Department of Health and Human Services

Public Health Service

National Institutes of Health

National Cancer Institute

Office of Research Safety

Bethesda, Maryland 20014

(c) For the design, construction, and performance of "Class II Biohazard Cabinetry NSF No. 49"

National Science Foundation

NSF Building

Ann Arbor, Michigan 48105

(8) UNIFORM MECHANICAL CODE (UMC), International Association of Plumbing and Mechanical Officials (IAPMO), ((+982)) 1985 edition.

(9) UNDERWRITERS LABORATORIES (UL), 181-15 ((Standard for Safety)) Factory Made Air Ducts and Connectors, ((+974)) 1981 edition.

(10) SHEET METAL AND AIR CONDITIONING CONTRACTORS' NATIONAL ASSOCIATION, INC., (SMACNA), Duct Liner Application Standard, Second edition, 1975.

(11) Compressed Gas Association, Inc., Pamphlet Number P-2.1-1983, "Recommendations for Medical-Surgical Vacuum Systems," 1983 edition.

(12) Illuminating Engineers Lighting Handbook (IES), ((+98+)) 1984 Application Volume.

(13) NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) ((70-1984)) 70-1987.

(14) METHOD OF TESTING AIR-CLEANING DEVICES USED IN GENERAL VENTILATION FOR REMOVING PARTICULATE MATTER, American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), Standard 52-76, 1976 edition.

(15) NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) ((30-198+)) 30-1984.

(16) NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 99, CHAPTER 7, 1984.

(17) NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 43C-1980.

WSR 87-04-062
REVIEW OF RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.230, that the Department of Social and Health Services intends to review the following rules: WAC 388-100-005 Limited casualty program—Medically indigent, WSR 86-09-007.

The agency will at 10:00 a.m., Tuesday, March 10, 1987, in the Auditorium, OB-2, Olympia, Washington, conduct a public hearing on the rules.

The rules review committee's findings and the reasons for the findings were stated to this agency as follows: At its January 7, 1987 meeting, the Joint Administrative Rules Review Committee, by a majority vote upon formal review, determined that the Department's rule denying inmates of city or county jails eligibility for the limited casualty medical program (WSR 86-09-007) fails to meet the legislative intent of both Ch. 74.48 RCW and CH. 74.09 RCW.

Dated: February 3, 1987
By: Leslie F. James
Director

WSR 87-04-063
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 314-36-020 Liquor importation—General.
Amd WAC 314-36-100 Removal of liquor.
Amd WAC 314-36-110 Release of liquor.
Amd WAC 314-36-150 Special importation permit;

that the agency will at 9:30 a.m., Tuesday, March 10, 1987, in the Offices of the Liquor Control Board, 1025 East Union Avenue, 5th Floor, Capital Plaza Building, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030 (1)(2).

The specific statute these rules are intended to implement is RCW 66.08.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 10, 1987.

Dated: February 4, 1987

By: L. H. Pedersen
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-36-020 Liquor importation—General; 314-36-100 Removal of liquor; 314-36-110 Release of liquor; and 314-36-150 Special importation permit.

Description of Purpose: To eliminate reference to the original Washington State Liquor Act, its sections and subdivision and replace that language with the proper Revised Code of Washington citation numbers. This is a housekeeping measure to make the rules easier to understand and to eliminate outdated language.

Statutory Authority: RCW 66.08.030 (1)(2).

Statutes Implemented by the Rule: RCW 66.08.010.

Summary of Rule: These rules all refer to the importation of liquor and its removal from warehouses to the board or authorized board licensees.

Reason Supporting Proposed Action: The changes proposed are housekeeping in nature and are made to eliminate old language and replace that language with the current vernacular in order to make the liquor rules more easily read and understood.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Jan Britt, Supervisor, Manufacturers/Importers/Wholesalers Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6273.

Person or Organization Proposing Rule: Washington State Liquor Control Board WAC Review Committee.

Agency Comments: None.

Necessity of Rule: Not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: There will be no negative cost impact for this rule.

AMENDATORY SECTION (Amending Order 5, filed 8/7/69, effective 9/8/69)

WAC 314-36-020 LIQUOR IMPORTATION—GENERAL. No liquor shall be imported into this state unless such liquor be consigned to the Washington state liquor control board; or unless such liquor be consigned to a holder of a liquor importer's license and delivered at a public storage warehouse authorized by the Washington state liquor control board to store liquor, or at the warehouse of the holder of the liquor importer's license in those cases where the board has authorized storage at such warehouse. No carrier shall accept or deliver liquor except in accordance with this regulation: PROVIDED, HOWEVER, That this regulation shall not apply to importations of beer by the holder of a beer importer's license made under such license, nor to importations of alcohol, malt and other materials containing alcohol made by a manufacturer under the special permit authorized by ((section 12, subdivision (d) of the Washington State Liquor Act))RCW 66.20.010((2)), nor to importations of wine by the holder of a wine importer's license made under such license.

AMENDATORY SECTION (Amending Order 5, filed 8/7/69, effective 9/8/69)

WAC 314-36-100 REMOVAL OF LIQUOR. No liquor (except beer and wine) shall be removed from any storage warehouse, either public or private, except for sale and delivery to the board or for export from the state, or for delivery to persons, firms or corporations holding manufacturer's importation permits authorized by ((section 12, subdivision (d) of the Washington State Liquor Act))RCW 66.20.010(5)((2)): PROVIDED, HOWEVER, That liquor may be removed from an authorized private liquor storage warehouse to a public storage warehouse, or may be removed from one authorized public storage warehouse to another authorized public storage warehouse, or may be removed from an authorized public storage warehouse to the authorized private liquor storage warehouse of the owner of the liquor. Liquor importers may remove liquor for sample purposes only, but only after permission thereto has been specifically granted by the board or its accredited representatives. Any and all removals of liquor must be made in full compliance with the Washington state liquor ((Act)) laws, Title 66 RCW (Alcoholic beverage control), and the rules and regulations of the board.

AMENDATORY SECTION (Amending Order 5, filed 8/7/69, effective 9/8/69)

WAC 314-36-110 RELEASE OF LIQUOR. No public storage warehouse shall release any liquor, except beer or wine, for delivery to anyone other than the Washington state liquor control board or for shipment to a consignee outside the state of Washington, or for delivery to another authorized public storage warehouse, or to the authorized private liquor storage warehouse of the owner of the liquor, or to persons, firms or corporations holding manufacturer's importation permits authorized by ((section 12, subdivision (d) of the Washington State Liquor Act))RCW 66.20.010(5)((2)): PROVIDED, HOWEVER, That liquor may be delivered to liquor importers for sample purposes under such conditions as the board may from time to time prescribe, and may be delivered to holders of liquor importer's licenses for export under ((regulation (88) of these regulations)) **WAC 314-36-010**.

AMENDATORY SECTION (Amending Rule 102, filed 6/13/63)

WAC 314-36-150 SPECIAL IMPORTATION PERMIT. Each manufacturer holding a special permit under ((section 12(d) of the Washington State Liquor Act))RCW 66.20.010(5)((2)) to import alcohol, malt and other materials containing alcohol to be used in the manufacture of liquor or other products, shall notify the board of the location of their principal office within the state, at which office shall be kept full and complete records of all transactions pertaining to the importation of alcohol, malt and other materials containing alcohol and the disposition thereof, in a form approved by the board.

WSR 87-04-064
PROPOSED RULES
SEATTLE COMMUNITY COLLEGE DISTRICT
[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Seattle Community College District intends to adopt, amend, or repeal rules concerning affirmative action program, chapter 132F-148 WAC;

that the institution will at 9:00 a.m., Tuesday, March 10, 1987, in the Seattle Community College District Office Board Room, 300 Elliott Avenue West, Seattle, 98119, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 17, 1987.

The authority under which these rules are proposed is chapters 28B.50 and 28B.19 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before March 17, 1987.

Dated: February 4, 1987
By: Donald G. Phelps
Chancellor

STATEMENT OF PURPOSE

Title and Number of Rule: Chapter 132F-148 WAC, Affirmative action program.

Statutory Authority: RCW 28B.50.140(13).

Specific Statute the Rule is Intended to Implement: This WAC is necessary to comply with chapter 49.50 RCW.

Summary of the Rule: This rule provides an affirmative action policy and procedures for policy implementation for Seattle Community College District VI.

Reasons Supporting Proposed Action: This policy/rule has added language to bring it in compliance with Higher Education Personnel Board specifications regarding specific minority groups, persons between the ages of 40 and 70, persons of disability and Vietnam-era veterans.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. Naomi Iwata-Sanchez, Vice-Chancellor for Human Resources and Intergovernmental Relations, Seattle Community College District, 300 Elliott Avenue West, Seattle, WA 98119, (206) 587-4155.

Name of the Person or Organization Whether Private, Public or Governmental, that is Proposing the Change: Seattle Community College District VI.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

This rule is necessary to comply with the Civil Rights Act of 1964 and chapter 49.50 RCW, which prohibits discrimination on the basis of race, color, religion, national origin, or sex.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not applicable.

Chapter 132F-148 WAC

AFFIRMATIVE ACTION PROGRAM

AMENDATORY SECTION (Amending Order 47, filed 6/19/85)

WAC 132F-148-010 POLICY STATEMENT. The policy of Seattle Community College District (SCCD) is to provide equal opportunity to all its employees and applicants for employment, and to assure that there is no discrimination against any persons on the grounds of race or ethnicity, creed, color, religion, national origin, age, gender, sexual orientation, marital status or the presence of any physical, sensory, or mental handicap, except where a disability may impede performance to an acceptable level. However, reasonable accommodations will be made for known physical or mental limitations for all otherwise qualified persons of disability ((in accordance with state and federal laws)). The Seattle Community College is committed to affirmative action for Asians, Blacks, Hispanics, Native Americans, women, persons between the ages of 40 and 70, persons of disability, and disabled and Vietnam-era veterans. This policy extends to all areas of employment and to all relations with employees including recruitment, selection and placement, compensation, promotion and transfer, disciplinary measures, demotions, layoffs and terminations, testing and training, daily working conditions, awards and benefits, and other terms and conditions of employment.

The importance of fulfilling this policy is given top priority for consideration in the day-to-day operations of the SCCD. All employees have been, and will continue to be, made aware that any violations of this policy by an employee shall result in appropriate disciplinary action, including termination, if warranted.

Affirmative action is a priority in the district because it insures equal employment opportunities for all applicants, while also assisting in ways to hire underrepresented groups in the district's labor force.

The successful implementation of this policy will depend upon a cooperative spirit and commitment to achieve the goals set forth. The district will work with the district minority task forces and the greater Seattle communities in seeing that the SCCD Affirmative Action Plan/Program, which is updated annually and included in the appendices of this manual, is implemented in a responsible and conscientious manner.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 47, filed 6/19/85)

WAC 132F-148-030 RESPONSIBILITY FOR PROGRAM IMPLEMENTATION. Responsibility for the implementation of the affirmative action program rests with the chancellor for the district as a whole and with the president of each campus.

(1) The chancellor's responsibilities are to:

(a) Review the SCCD affirmative action plan with each president as part of the performance evaluation process.

(b) Carry out the responsibilities for implementation of the affirmative action plan for the district office as described below for each president.

(2) The president's responsibilities are to:

(a) Insure that all campus administrators and supervisors are aware of the affirmative action policy and plan and take it into consideration in day-to-day operations.

(b) Insure that hiring and promotion patterns are monitored so that protected group members are given full consideration.

(c) Insure that facilities are comparable for both sexes and are accessible to handicapped persons.

(d) Insure that protected group members are afforded full opportunity and are encouraged to participate in college-sponsored education and training programs.

(e) Designate a specific individual to be responsible for the supervision and monitoring of affirmative action efforts in that organizational unit. These designees are: north campus - dean of students, central campus - ((affirmative action officer/)) director of graphics and media, south campus - executive assistant to the president.

(f) Insure adequate representation of protected group members on selection committees.

(3) The ((director of personnel/executive assistant to the chancellor)) vice-chancellor, human resources responsibilities are to:

(a) Design and implement audit and reporting systems that will: (i) Measure the effectiveness of the program, (ii) indicate need for corrective action, and (iii) determine degree to which goals and objectives have been attained.

(b) Develop policies and procedures related to equal employment opportunity and affirmative action for review, approval, and action by the chancellor's cabinet and board of trustees.

(c) Serve as liaison between the district and compliance agencies, organizations for minority, women, Vietnam veterans, disabled veterans, handicapped persons, and with other such community and municipal action programs.

(d) Keep management informed of current developments in areas related to affirmative action and equal employment opportunity.

(e) Develop and maintain internal and external communication systems.

(f) Assist in the identification of problem areas.

(g) Ensure proper dissemination of information contained in the affirmative action plan to all employees, supervisors/managers and other interested parties.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 47, filed 6/19/85)

WAC 132F-148-040 RECRUITMENT PLAN. (1) Recruitment for minority, female, and handicapped applicants for SCCD employment is the primary responsibility of each campus and the district personnel department as indicated below:

(2) The district personnel department can assist campuses in the recruitment process by:

(a) Providing possible recruitment sources, and providing copies of the district mailing list;

(b) Contacting employment sources with which the SCCD affirmative action plan has a referral arrangement;

(c) Participating in campus recruitment efforts;

(d) Advertising in minority newspapers.

(e) Identify underutilization and target recruitment by personal contacts with individuals and agencies.

(f) Analyze recruitment effort and applicant flow to determine weak areas in the recruitment program.

WSR 87-04-065 ADOPTED RULES COMMISSION ON EQUIPMENT

[Order 86-2—Filed February 4, 1987]

Be it resolved by the Commission on Equipment, acting at the General Administration Building, Olympia, Washington 98504, that it does adopt the annexed rules relating to display of electronic messages, chapter 204-65 WAC.

This action is taken pursuant to Notice No. WSR 87-01-020 filed with the code reviser on December 10, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the State Commission on Equipment as authorized in RCW 46.37.005.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 4, 1987.

By Chief George B. Tellevik
Chairman

CHAPTER 204-65 WAC

DISPLAY OF ELECTRONIC MESSAGES

NEW SECTION

WAC 204-65-010 AUTHORITY. This chapter is promulgated pursuant to 46.37.005 R.C.W.

NEW SECTION

WAC 204-65-020 PURPOSE. The purpose of this rule is to prevent the display of electrically powered messages from privately owned vehicles while traveling on the public roadways of this state.

NEW SECTION

WAC 204-65-030 ELECTRONIC MESSAGES. Electrically powered signing or message boards will not be allowed to be displayed on or from privately owned vehicles while traveling on or occupying public roadways. This will include any type of electronically displayed letter, number, sign or symbol or any combination thereof that displays a message that may be observed from outside of the vehicle.

NEW SECTION

WAC 204-65-040 EYE LEVEL BRAKE LIGHT. Eye level brake lights shall meet the present or future requirements of the Code of Federal Regulations, Federal Motor Vehicle Safety Standard 49, Section 571.108. Eye level brake lights shall not be combined with any type of letter, number, sign or symbol or combination thereof. No function other than red reflex reflectors shall be combined in the supplemental high mounted stop lamp.

NEW SECTION

WAC 204-65-050 TRAFFIC CONTROL VEHICLES. Vehicles that are publicly or privately owned and used in conjunction with officially sanctioned or sponsored motor vehicle traffic control or movement are allowed to display electrically powered messages or signs that are utilized to assist in the efficient control of traffic movement on public roadways.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 204-65-060 TAXI CABS. Electronic signing that is normally utilized to identify taxi-cabs will not be effected by this rule.

**WSR 87-04-066
PROPOSED RULES
LIBRARY COMMISSION**
[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Library intends to adopt, amend, or repeal rules concerning rules and regulations governing the basis on which the State Library develops its practices and its activities, chapter 27.04 RCW, chapter 304-12 WAC, specifically related to Other (LSCA) service grant programs—Principles;

that the agency will at 10:00 a.m., Thursday, March 12, 1987, in the Conference Room, Timberland Regional Library Service Center, 415 Airdustrial Way S.W., Olympia, 98501, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 27.04.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 12, 1987.

Dated: February 4, 1987
By: Nancy Zussy
State Librarian

STATEMENT OF PURPOSE

Title: Chapter 304-12 WAC, rules and regulations, Washington State Library.

Purpose of These Sections: To meet the changes in expressed need of the state in terms of statewide library and information policy development. The state library needs to change the basis on which it develops its practices and its activities.

Statutory Authority: Chapter 27.04 RCW.

Summary of the Rules: These rules revise the section on the principles of service grant programs.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Zussy, State Librarian, Washington State Library, Mailstop AJ-11, Olympia, WA 98504-0111.

Proponents of the Rules: These proposed WAC changes were drafted by the Washington State Library staff with the concurrence of the Washington State Advisory Council on Libraries and the Washington State Library Commission.

AMENDATORY SECTION (Amending Order 85-01, filed 9/24/85)

WAC 304-12-140 OTHER SERVICES GRANT PROGRAMS—PRINCIPLES. (1) Basic to Washington's program of library development are the following elements:

(a) ((Encouragement)) Encouraging and facilitating of cooperation among all types of libraries, and between libraries and other agencies.

(b) Providing trustees of public libraries with ((awareness and leadership skills)) continuing education opportunities which will enhance their board skills and expand their awareness of library issues and trends.

(c) ((Merging of and expanding units and/or systems of service)) Assisting in the determination and implementation of effective service areas for libraries.

- (d) Providing, improving, and strengthening all levels of continuing education and staff development for library service providers.
- (e) Initiating and encouraging library planning and research.
- (f) Stimulating the concern of citizens ((interest in improvement and outreach of)) for quality library service((s)) through effective marketing.

- (g) Assisting in community efforts to overcome adult illiteracy.
- (h) Advancing ((and developing)) the utilization of library-related automation and technology for the provision of quality library service.
- (i) Improving document delivery methods to better serve library patrons.
- (j) Providing services geared ((specifically)) to children, young adults and other special age groups such as the elderly.

(2) The Washington state library commission is receptive to request which may include areas not yet specifically stated as eligible. The guiding principle upon which items are included has been and will be whether or not the proposal will make, or has the potential to make, a permanent contribution to the improvement and development of library service in our state. Also basic is the principle that grant funds do not take the place of local funds, but are to be used to support costs which cannot be considered a legitimate responsibility of the area requesting the grant or which constitute a temporary emergency.

**WSR 87-04-067
PROPOSED RULES
DEPARTMENT OF LICENSING**
[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the Department of Licensing intends to adopt, amend, or repeal rules concerning vehicle licenses, amending WAC 308-96A-005, 308-96A-065, 308-96A-100, 308-96A-205, 308-96A-220, 308-96A-300, 308-96A-310, 308-96A-325, 308-96A-330, 308-96A-335 and 308-96A-400; and adding new sections WAC 308-96A-021, 308-96A-136, 308-96A-306, 308-96A-410, 308-96A-415 and 308-96A-420;

that the agency will at 10:15 a.m., Thursday, March 12, 1987, in the 2nd Floor Conference Room, Highways—Licenses Building, 12th and Franklin, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 46.01.110, 46.16.276 and 46.16.600.

The specific statute these rules are intended to implement is RCW 46.16.006, 46.16.020, 46.16.022, 46.16.061, 46.16.070, 46.16.080, 46.16.135, 46.16.140, 46.16.270, 46.16.280, 46.16.381, 46.16.570, 46.16.600, 46.16.630 and 46.16.650.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 12, 1987.

Dated: February 4, 1987
By: Sandra Brooks
Administrator

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: The new and amendatory sections are proposed to clarify terminology; to change and implement

procedures and requirements due to new legislation pertaining to licensing of vehicles; and to streamline requirements and procedures for increased efficiency pertaining to licensing of vehicles.

Statutory Authority: RCW 46.16.276, 46.01.110 and 46.16.600.

Summary of the Rules: WAC 308-96A-005 Terminology; 308-96A-021 Replacement plates—Sworn statement; 308-96A-065 Personalized license plates; 308-96A-100 Licensing according to use instead of vehicle type; 308-96A-136 Mopeds—License plates; 308-96A-205 Increasing declared gross weight for license based on gross weight; 308-96A-220 Transfer of license based on gross weight—To replacement vehicle; 308-96A-300 Changing assigned registration year; 308-96A-306 Definitions—Disabled person special parking privileges; 308-96A-310 Application—Disabled person parking privileges; 308-96A-325 Loss of permit, decal, plate; 308-96A-330 Application eligibility—Public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies—Disabled parking permits; 308-96A-335 Special parking privilege permits for public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies—Transfer, limitations; 308-96A-400 Excise tax exemption—Indians; 308-96A-410 Study fee; 308-96A-415 Centennial plate issuance; and 308-96A-420 Centennial plate fee.

Reason Proposed: Will enhance the ability of the Department of Licensing to protect the public.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: David T. Kirk, Assistant Director, Vehicle Services, Second Floor, Highways—Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6914 comm or 234-6914 scan; and Sandra Brooks, Administrator, Title and Registration Control, Second Floor, Highways—Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6920 comm or 234-6920 scan.

Proponents: State of Washington Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal law or federal or state court requirements.

Small Business Economic Impact Statement: Not required for this statement.

AMENDATORY SECTION (Amending Order TL/RG 24, filed 5/5/86)

WAC 308-96A-005 TERMINOLOGY. (1) The terms "licensing" and "registering" are synonymous for the transaction in which both a certificate of registration and license plates and/or current validation tabs are issued to the applicant.

(2) The terms "tonnage," "load license," "gross weight license," "license based on gross weight," and "gross weight fees" are used interchangeably and refer to those ((additional)) fees ((and receipts)) that are charged owners of motor trucks and truck tractors according to their vehicles' maximum gross weights.

(3) "Capacity fee" is used to refer to the load license for stages and for-hire vehicles with seating capacity of six or less and for fixed load vehicles including circus and tow.

(4) The term "no bill" refers to the partially completed notice to renew a license which is mailed from Olympia to the registered owner. This form indicates that additional information is required prior to the registration for the current year license.

(5) A "prebill" is the notice to renew a vehicle license that is mailed from Olympia to the registered owner.

((6))) (6) References to "current year" mean the current registration year unless otherwise stated.

((7))) (7) "Month of expiration" or "expiration month" is the calendar month during which a registration year ends.

((8))) (8) A "fleet" is a group of fifteen vehicles or more registered in the same name and whose owner has been assigned a fleet identifier code by the department.

NEW SECTION

WAC 308-96A-021 REPLACEMENT PLATES—SWORN STATEMENT. A sworn statement as to cause or reason for replacement plates shall not be required if the owner of record is the person buying replacement plates, provided, that a sworn statement will be required if someone other than the registered owner of record is purchasing replacement plates.

AMENDATORY SECTION (Amending Order TL/RG-9, filed 10/24/84)

WAC 308-96A-065 PERSONALIZED LICENSE PLATES. (1) The registered owner of a vehicle may apply for plates with any acceptable and unassigned combination of ((two)) one to seven letters, numbers, or both pursuant to RCW 46.16.565 through 46.16.600. Single digit plates shall not be assigned the letters "I" or "O", nor the numbers "1" (one) or "0" (zero).

(2) When a vehicle with personalized plates is sold, transferred or destroyed, the owner shall remove the plates from the vehicle. The owner may retain the plates for transfer to a replacement vehicle or ((surrender)) return the plates to the department, relinquishing ((priority)) the right to the letter and/or number sequence or combination, or relinquish the plates to another individual by signing a notarized release of interest in the plates. The person to whom the plates were transferred must immediately apply for ownership of the plates in his/her/their own name(s).

(3) When the owner of a personalized plate fails to renew the license within ((90)) ninety days following the renewal ((deadline for the current year)) due date or fails to have the ((license)) plate transferred to a replacement vehicle within ((90)) ninety days from the sale, transfer, or destruction of the original vehicle, the plates will be cancelled ((and surrendered to the department)).

(4) Personalized plates that have been cancelled will not be reissued for ((90)) ninety days after cancellation unless they are being repurchased by the same owner.

AMENDATORY SECTION (Amending Order TL/RG 24, filed 5/5/86)

WAC 308-96A-100 LICENSING ACCORDING TO USE INSTEAD OF VEHICLE TYPE. Where a certain type of vehicle is to be used for a purpose other than the normal use for that type of vehicle, the vehicle may be licensed according to that use:

(1) Passenger cars used to transport commodities, merchandise, produce, freight or animals for commercial purposes may be licensed as commercial use trucks. ((Fornage licenses must be purchased and other required fees paid.))

(2) Trucks used as passenger cars may be licensed as passenger cars if the following conditions are met:

(a) Seats have been permanently installed in or in place of the bed of the truck,

(b) The vehicle has been inspected and approved for this change of class by an authorized member of the Washington state patrol.

(3) Vehicles which are not readily identified as either passenger cars or trucks, such as Jeeps, Blazers and Broncos, may be licensed either as passenger or truck vehicles depending on their use.

NEW SECTION

WAC 308-96A-136 MOPEDS—LICENSE PLATES. The decal or other identifying device for motorcycles specified by RCW 46.16.630 shall be the same as the motorcycle license plate. The number on the plate shall be the moped's registration number.

AMENDATORY SECTION (Amending Order TL/RG 24, filed 5/5/86)

WAC 308-96A-205 INCREASING ((TONNAGE)) DECLARED GROSS WEIGHT FOR LICENSE BASED ON GROSS WEIGHT. (1) A vehicle owner may increase ((or decrease tonnage)) declared gross weight for the remainder of the registration year or, if the vehicle is eligible for monthly tonnage or license based on gross weight, for any number of consecutive months within the registration year.

(2) An applicant who wishes to increase ((or decrease)) the tonnage or declared gross weight must surrender the current tonnage or license based on gross weight to receive credit.

(3) If the ((tonnage)) license has been lost, the license agent's verification of ((tonnage)) current gross weight and an affidavit of loss must accompany the application for increased ((tonnage)) gross weight to receive credit.

(4) Credit is the dollar amount remaining when the value of the expired portion of current tonnage or license based on gross weight is subtracted from the amount originally paid. This credit amount is then applied toward fees being charged for tonnage or license based on gross weight currently being issued. ((Any unused credit shown on the tonnage license may be applied toward purchase of future tonnage by surrender of the document.))

(5) A tonnage license or license based on gross weight cannot be transferred from one vehicle to another vehicle ((owned by the same owner)) in order to place additional tonnage or increase the declared gross weight on the second vehicle. ((An exception is made for a separate trailer tonnage license. The owner may transfer all of the trailer tonnage as an addition to tonnage on a towing unit, but this tonnage cannot then be retransferred to the trailer.))

(6) When increasing tonnage or declared gross weight, the value of the expired portion of the current tonnage or license based on gross weight will be the value of all months used, not including the current month.

((7) When decreasing tonnage, the value of the expired portion of current tonnage will be the value of all months used including the current month.))

AMENDATORY SECTION (Amending Order TL/RG 24, filed 5/5/86)

WAC 308-96A-220 TRANSFER OF ((TONNAGE)) LICENSE BASED ON GROSS WEIGHT—TO REPLACEMENT VEHICLE. (1) The ((tonnage or capacity)) license based on gross weight may be transferred to a replacement vehicle using a different fuel or of a different class when the amount of credit is fifteen dollars or more. If the license has been lost, the license agent's verification of current license based on gross weight and an affidavit of loss must accompany the application to receive credit.

(2) ((Tonnage may be transferred from one vehicle to two or more vehicles or from two or more vehicles to one vehicle if the latter are in fact obtained to replace the former.))

((3) Tonnage may be transferred to a replacement vehicle from a presently licensed, but out-of-commission vehicle belonging to or being purchased by the same registered owner. If the inoperable vehicle without tonnage is returned to service, new tonnage must be purchased.))

((4)) In order to qualify as a replacement, a vehicle must be:

(a) A presently unlicensed vehicle belonging to the owner; or
(b) A vehicle purchased for replacement which has either not been previously licensed or has had its ((tonnage)) license based on gross weight retained by its ((original)) former owner.

((5)) (3) A person may transfer ((tonnage)) a license based on gross weight from one vehicle to a replacement which the person owns in circumstances which ((include, but)) are ((not)) limited to((;)) the following where a vehicle is:

(a) Sold and the ((tonnage)) credit amount of the license based on gross weight is fifteen dollars or more and is retained rather than given to the purchaser;

(b) Destroyed;

(c) ((Inoperative;))

((4)) Reclassified so ((tonnage)) a license based on gross weight is no longer required;

((5)) (d) Transferred to another state and registered there;

((6)) (e) Involuntarily removed from the person's ownership by re-possession, sheriff's sale, court order, chattel lien, landlord lien, abandoned vehicle sale; or

((g))) (f) Stolen.

((6))) (4) When transferring ((tonnage)) a license based on gross weight, only the dollar amount previously paid ((for the gross weight)) for unexpired months is considered. This dollar amount must be fifteen dollars or more and is then applied as a credit against fees to be charged for the ((gross weight)) license based on gross weight of the replacement vehicle ((to which the tonnage is being transferred)). If the amount due is less than the amount being transferred, the surplus is carried on the ((tonnage)) license document as a credit due to be applied to a future ((tonnage)) license purchase during the same registration year.

AMENDATORY SECTION (Amending Order TL/RG 24, filed 5/5/86)

WAC 308-96A-300 CHANGING ASSIGNED REGISTRATION YEAR. (1) Whenever a registration year is established for a vehicle, that year will remain with the vehicle regardless of the date on which a renewal application may be made and as long as it is not licensed in another jurisdiction in the interim. A vehicle which remains unlicensed for more than twelve months after the expiration date assigned to the vehicle will have a new registration year assigned ((dating from the date of the renewal application)). The first month of the new registration year is the month in which the owner applies for license registration renewal.

(2) ((A vehicle license that has been expired for more than thirty days and is renewed with a different registered owner will have)) A new registration year will be assigned ((to the)) when a vehicle ((dating from the date of the renewal application)) is sold with a vehicle license that has been expired for more than thirty days and the new owner of the vehicle has applied for license registration renewal. The first month of the new registration year is the month in which the new owner applies for license registration.

NEW SECTION

WAC 308-96A-306 DEFINITIONS—DISABLED PERSON SPECIAL PARKING PRIVILEGES. For the purposes of determining eligibility for special parking permits, the following definitions apply:

(1) "Public transportation authorities" are those entities operating motor vehicles or other devices capable of being moved on a public highway. The vehicles shall be owned or operated by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations and must be used for the purpose of carrying passengers and their baggage or freight incident to business or programs conducted by those authorities: PROVIDED, That those authorities may contract with private carriers to perform services entitling the carriers to the special parking privileges.

(2) "Private carriers" are those entities contracting with public transportation authorities to perform their services.

(3) "Nursing homes" are those entities licensed as nursing homes with the department of social and health services.

(4) "Senior citizen centers" are bona fide senior citizen centers recognized by the bureau of aging and adult services or a specific county government.

(5) "Private nonprofit agencies" are those entities on file with the secretary of state's office as a nonprofit organization.

AMENDATORY SECTION (Amending Order TL-RG 6, filed 8/15/84)

WAC 308-96A-310 APPLICATION—DISABLED PERSON PARKING PRIVILEGES. Application must be made on forms provided by the department and signed by the applicant. If the applicant is physically unable to sign, the application may be signed by a family member or legal guardian, stating their relationship to the applicant. If signing by mark (X), signatures of two witnesses are required.

A statement from a physician is required to certify the applicant's disability; except, amputees visually verified by the licensing agent. If the disability is temporary, the physician must indicate the expected length of disability.

Special license plates or decals may be issued for one vehicle(s) used primarily for the transportation of the applicant or registered to the applicant. If the vehicle is not registered to the applicant, ((a special decal may be issued: PROVIDED, That)) an affidavit ((is)) signed by the registered owner and applicant must be submitted certifying

((the relationship of the registered owner to the applicant and that))
the vehicle is used primarily for the transportation of the applicant.

AMENDATORY SECTION (Amending Order TL-RG 6, filed 8/15/84)

WAC 308-96A-325 LOSS OF PERMIT, DECAL, PLATE. Replacement of a disabled parking permit, decal or license plate will be issued upon receipt of a signed notarized statement from the applicant certifying that the permit, decal or license plate has been lost, stolen, destroyed or mutilated. If the applicant is physically unable to sign, the statement may be signed by a family member or legal guardian or, in the case of a license plate, by the registered owner of the vehicle.

AMENDATORY SECTION (Amending Order TL-RG 6, filed 8/15/84)

WAC 308-96A-330 APPLICATION, ELIGIBILITY—PUBLIC TRANSPORTATION AUTHORITIES, NURSING HOMES, SENIOR CITIZEN CENTERS, AND PRIVATE NONPROFIT AGENCIES—DISABLED PARKING PERMITS. Application for special parking privilege permits for disabled persons must be made on forms provided by the department and signed by an appropriate official of the ((public transportation authority). For the purpose of determining who is eligible for special parking privileges for the disabled, public transportation authorities are those entities operating motor vehicles or other devices capable of being moved on a public highway. The vehicles shall be owned or operated by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, and must be used for the purpose of carrying passengers and their baggage or freight incident to business or programs conducted by those authorities. PROVIDED, That those authorities may contract with private carriers to perform services entitling the carriers to the special parking privileges)) organization, certifying that the organization meets the eligibility requirements for special parking privilege permits for disabled persons, defined under RCW 46.16.381 and chapter 308-96A WAC.

AMENDATORY SECTION (Amending Order TL-RG 6, filed 8/15/84)

WAC 308-96A-335 SPECIAL PARKING PRIVILEGE PERMITS FOR PUBLIC TRANSPORTATION ((PERMITS)) AUTHORITIES, NURSING HOMES, SENIOR CITIZEN CENTERS, AND PRIVATE NONPROFIT AGENCIES—TRANSFER, LIMITATIONS. Special parking privilege permits issued to public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies are limited to one for each vehicle used to transport eligible disabled persons. Permits issued to public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies are not transferable to another vehicle. When the assigned vehicle is no longer being used by the ((public transportation authority)) organization to transport qualified disabled persons, the responsible official of the ((public transportation authority)) organization must notify the department and surrender the permit. In lieu of the permit, a statement verifying the permit has been destroyed may be accepted.

The special parking permits for the transportation of the disabled will be issued for a specified period of time as follows:

(1) Nursing homes will have permits issued to correspond with the duration of the license to operate which was issued to the nursing home by the department of social and health services, state of Washington.

(2) Senior citizen centers will be issued permits for a three-year period beginning with the date the permit was issued by the department of licensing.

(3) Private nonprofit agencies will be issued permits for a three-year period beginning with the date the permit was issued by the department of licensing.

(4) Public transportation authorities will be issued permits for a three-year period beginning with the date the permit was issued by the department of licensing.

(5) Private carriers who contract with public transportation authorities will be issued permits to correspond with the duration of such contract but for a period of time not to exceed three years.

A new application must be submitted before a new permit may be issued, to certify eligibility of the organization.

AMENDATORY SECTION (Amending Order 714-DOL, filed 4/1/83)

WAC 308-96A-400 EXCISE TAX EXEMPTION—INDIANS. (1) For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis, Clallam (Jamestown Council), Clallam (Port Gamble Council), Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, ((Ozette, Port Gamble, Port Madison,)) Puyallup, Quileute, Quinault, Sauk-Suiattle, Shoalwater, Skagit, Skokomish, Spokane, Squaxin ((Island)), Stillaguamish, Suquamish, Swinomish, Tulalip, and Yakima.

(b) "Indian tribe" means any organized Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means persons duly registered on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) Motor vehicles owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the motor vehicle excise tax imposed by chapter 82.44 RCW. Mobile homes, travel trailers and campers owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

(3) Any vehicle owned or leased by the governing body of an Indian tribe and used exclusively in its or their service may be exempt from the payment of licensing fees, and may be issued special "I" series license plates, provided, that the Indian tribe itself does not license or register any tribal government service vehicle under tribal law.

(4) Motor vehicles owned by Indians having their principal residence within the recognized Washington Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the motor vehicle excise tax imposed by chapter 82.44 RCW. Mobile homes, travel trailers and campers owned by Indians having their principal residence within the recognized Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

((4))) (5) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each motor vehicle, mobile home, travel trailer or camper license application as a condition precedent to exemption from excise tax. The department may require such other proof of qualification for exemption as it deems necessary.

NEW SECTION

WAC 308-96A-410 STUDY FEE. For the purpose of assessing the study fee as applied to motor vehicles in RCW 46.16.061, the term "motor vehicle" will not include nonpowered vehicles, nor those vehicles registering under chapter 46.09 or 46.10 RCW. The study fee will be assessed at time of annual registration.

NEW SECTION

WAC 308-96A-415 CENTENNIAL PLATE ISSUANCE. Issuance of the centennial design license plates shall commence January 1, 1987 for all vehicle license plates, and shall include all license plates issued after that date, except for horseless carriage, restored, medal of honor and lemon yellow personalized plates.

NEW SECTION

WAC 308-96A-420 CENTENNIAL PLATE FEE. (1) The centennial plate fee for original plates will be charged in addition to plate fees authorized by RCW 46.16.060, 46.16.320 and 46.16.585.

(2) Centennial plate fees will not be charged for centennial design plates issued to vehicles licensed under RCW 46.16.020.

**WSR 87-04-068
PROPOSED RULES
DEPARTMENT OF LICENSING**
[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the Department of Licensing intends to adopt, amend, or repeal rules concerning watercraft registration, amending WAC 308-93-010 definitions, and 308-93-074 Class "A" titles issued;

that the agency will at 10:00 a.m., Thursday, March 12, 1987, in the 2nd Floor Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 88.02.100.

The specific statute these rules are intended to implement is RCW 88.02.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 12, 1987.

Dated: February 4, 1987

By: Sandra Brooks
Administrator

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: WAC 308-93-010, to correct a previous unintentional deletion of some language; and 308-93-074, adds a circumstance under which a Class "A" certificate of title will be issued.

Statutory Authority: RCW 88.02.100 and 88.02.120.

Summary of the Rules: WAC 308-93-010 Definitions, corrects a previous unintentional deletion of language in the prefatory sentence and in subsection (9) "legal owners."

Reason Proposed: Will enhance the ability of the Department of Licensing to protect the public.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: David T. Kirk, Assistant Director, Vehicle Services, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6914 comm or 234-6914 scan; and Sandra Brooks, Administrator, Title and Registration Control, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6920 comm or 234-6920 scan.

Proponents: State of Washington Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal law or federal or state court requirements.

Small Business Economic Impact Statement: Not required for this statement.

AMENDATORY SECTION (Amending Order TL/RG 25, filed 5/7/86)

WAC 308-93-010 **DEFINITIONS**. Unless the context clearly ((provides) (prescribes)) indicates otherwise, the following definitions apply to the rules in this chapter:

(1) "Alien vessel" means a vessel owned by a resident of a country other than the United States.

(2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(3) "Commercial fishing" means operating under a currently valid commercial or charter fishing license.

(4) "Declaration of value form" means the department of revenue form used when a vessel is acquired by lease or gift, homemade or the most recent purchase price is not known to declare the value for purposes of assessing excise tax.

(5) "Director" means the director of the department of licensing.

(6) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

(7) "Exclusively" means solely and without exception.

(8) "Foreign vessel" means a vessel owned by a resident of another state registered in accordance with the laws of the state in which the owner resides.

(9) "Legal owner" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 46.12-.095 or the registered owner of a vessel unencumbered by a security interest ((for the lessor of a vessel unencumbered by a security interest)) or the lessor of a vessel unencumbered by a security interest.

(10) "Lifeboat" means craft used exclusively for lifesaving purposes.

(11) "Manufacturer's statement of origin (MSO)" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(12) "Overall length" means a straight line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

(13) "Prebill" means the notice to renew a vessel registration that is mailed by the department to the registered owner.

(14) "Previous ownership document" means the last issued certificate of title and/or registration.

(15) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(16) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(17) "Registered owner, owner," synonymous terms used interchangeably, mean a person who has a lawful right to possession of a vessel, whether or not the vessel is subject to a security interest.

(18) "Tender" means a craft used exclusively to furnish transportation from a larger vessel to shore and return.

(19) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

(20) "Valid marine document" means a document issued by the United States federal government which declares a vessel to be a documented vessel of the United States.

(21) "Vessel data form" means the information application completed by the applicant showing all required description data for the vessel registration and title.

(22) "Waters of this state" means any waters within the territorial limits of this state.

(23) "Time share" charters means leased vessels where none of the parties leasing the vessel under a "time share" option agreement are acquiring an equity in the vessel and there is no option to buy.

(24) "Houseboat" means any vessel as defined in RCW 88.02.010(1) and does not mean any building on a float used in whole or in part for human habitation as a single-family dwelling which is not designed for self propulsion by mechanical means, or for propulsion by means of wind, nor propelled by mechanical means or wind.

(25) "UCC" means Uniform Commercial Code.

(26) "UCC search" means a Uniform Commercial Code financing statement search pursuant to RCW 62A.9-407(2).

AMENDATORY SECTION (Amending Order TL/RG 25, filed 5/7/86)

WAC 308-93-074 CLASS "A" TITLES ISSUED. The department may issue a Class "A" certificate of title to a vessel when an application includes one or more of the following:

(1) A manufacturer's statement of origin, carpenter certificate, or factory invoice indicating a date of sale on or after July 1, 1985.

(2) A manufacturer's statement of origin, carpenter certificate, or factory invoice indicating a date of sale prior to July 1, 1985, accompanied by a UCC search and proper releases.

(3) A previously issued and properly released Washington Class "A" title for the vessel.

(4) A Class "B" title accompanied by UCC search and proper releases.

(5) A certificate of title issued by a foreign state or jurisdiction accompanied by a UCC search conducted in the state or jurisdiction issuing such title and the proper releases of interest.

(6) A properly released certificate of title where the title was issued by a foreign state or jurisdiction, if the only method of perfecting a lien in that state or jurisdiction is by notation on the certificate of title.

**WSR 87-04-069
PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the Department of Licensing intends to adopt, amend, or repeal rules concerning certificates of vehicle ownership and registration, adding WAC 308-56A-006, 308-56A-155, 308-56A-156 and 308-56A-160; and amending WAC 308-56A-115, 308-56A-125 and 308-66-195;

that the agency will at 10:30 a.m., Thursday, March 12, 1987, in the 2nd Floor Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 46.01.110, 46.70.160, 46.12.050, 46.12.140, 46.12.360 and 46.70.160.

The specific statute these rules are intended to implement is RCW 46.12.010 and 46.12.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 12, 1987.

Dated: February 4, 1987

By: Sandra Brooks, Administrator
Title and Registration Control

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: Chapter 308-56A WAC, to set forth procedures, information and documentation required for issuance of certificates of title or registration; WAC 308-56A-156, to clarify circumstances of reimbursement for vehicles reported stolen prior to inspection; and 308-66-195, to set forth documentation required to be in the possession of a used vehicle dealer if a used vehicle is imported from a foreign jurisdiction.

Statutory Authority: RCW 46.01.110 and 46.70.160.

Summary of the Rules: WAC 308-56A-006 restricts to residents issuance of certificates of title, with certain exceptions; 308-56A-115 and 308-56A-125 set forth documents required for vehicles not previously titled and/or registered in this state; 308-56A-155 sets forth procedures and requirements for vehicle inspection; 308-56A-156 clarifies circumstances of reimbursement for vehicles reported stolen prior to inspection; 308-56A-160 sets forth procedures for determining model year; and 308-66-195 sets forth documentation required to be in the possession of a used vehicle dealer if a used vehicle is imported from a foreign jurisdiction.

Reason Proposed: The rules will enhance the ability of the Department of Licensing to protect the public.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: David T. Kirk, Assistant Director, Vehicle Services, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6914 comm or 234-6914 scan; Sandra Brooks, Administrator, Title and Registration Control, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6920 comm or 234-6920 scan; and Heather Hamilton, Administrator, Dealer Division, First Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6924 comm or 234-6924 scan.

Proponents: State of Washington Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal law or federal or state court requirements.

Small Business Economic Impact Statement: Not required for this statement.

NEW SECTION

WAC 308-56A-006 TITLE RESTRICTED TO RESIDENTS. A certificate of ownership shall not be issued for any vehicle located outside the boundaries of the state of Washington for any vehicle not currently registered in Washington or for which there is no application for registration except as provided in chapters 46.12 and 46.16 RCW for foreign corporations, nonresidents temporarily sojourning within this state and residents of this state who are temporarily sojourning in another jurisdiction but who maintain permanent residency within this state.

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-115 VEHICLES NOT PREVIOUSLY TITLED. (1) Applications for certificate of ((title)) ownership and/or registration to a vehicle ((never before)) not previously titled or ((licensed)) registered in this state must be accompanied by appropriate authorized ((documentation)) documents.

(2) New or unused vehicles that have never been titled or registered must be accompanied by a manufacturer's statement of origin in the English language issued by the actual vehicle manufacturer.

(3) Used or not new vehicles that have been titled and/or registered in a foreign jurisdiction must be accompanied by the original title or other documents acceptable to the department which constitute proof of ownership. Any document not in the English language, shall be accompanied by a literal translation into the English language, verified as the accuracy of the translation by notarized affidavit of the translator.

(4) For any vehicle imported from a country that cancels the vehicle title and/or registration for export, the documents evidencing the cancellation shall be accompanied by a literal translation into the English language, verified as to the accuracy of the translation by notarized affidavit of the translator.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-125 FOREIGN TITLE OR REGISTRATION. (1) ((If the)) Applications for certificate of ownership ((title is for a)) on vehicles previously titled and/or registered in another state((;)) or in a foreign jurisdiction ((the application)) must be accompanied by the following:

((1))) (a) ((Either a)) The ((foreign)) title from the other state or jurisdiction properly released and the registration, if available, or the registration properly released if it is a nontitle ((state, provided that no)) jurisdiction. A release is not required if there is no change in ownership, and

((2))) (b) The ((out-of-state)) foreign jurisdiction or other state license number plates. ((unless a reason is given acceptable to the department of motor vehicles)) The department may approve retention of the license number plates.

(2) Applications for certificate of title or registration on vehicles imported into the state of Washington from foreign jurisdictions, except from other states, territories or possessions of the United States, District of Columbia or Commonwealth of Puerto Rico, must, in addition to the requirements of section (1), be accompanied by:

(a) A Department of Treasury Customs Form 7501 (030984) entitled "Entry Summary" or its successor form as revised by the U.S. Customs Service properly completed and annotated by the U.S. Customs Service; and,

(b) A copy of the U.S. Department of Transportation (DOT) release showing the vehicle conforms to the safety standards established by the DOT.

(3) If a vehicle is designed for the United States market or otherwise conforms to the DOT standards, and if such conformity is annotated on the Customs Form 7501 or its successor form, then the DOT release in (2)(b) of this section is not required.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 308-56A-155 VEHICLE INSPECTION – FOREIGN STATE. (1) A vehicle located in a foreign state, territory or possession of the United States, District of Columbia or Commonwealth of Puerto Rico, which is required to be inspected under RCW 46.12.030(3) may be inspected by a law enforcement officer of that jurisdiction or a military police officer if:

(a) The vehicle will not be available for inspection by a Washington state law enforcement officer within the next thirty days; and

(b) The inspection is recorded on a form provided by the department for out-of-state vehicle inspections.

(2) The inspecting officer shall certify that:

(a) The officer is a member of that jurisdiction's law enforcement agency or is a military police officer on active duty and the officer is trained as a vehicle identification number inspector;

(b) The vehicle identification number is genuine;

(c) The vehicle identification number agrees with the foreign title or registration if the jurisdiction does not issue vehicle titles;

(d) A check was made with the National Crime Information Center (NCIC), and the Canadian Police Information Center (CPIC) if the vehicle was last registered in a Canadian province, and that the vehicle was not listed as stolen; and

(e) The license plates on the vehicle are those assigned to the vehicle by the current title or registration jurisdiction.

NEW SECTION

WAC 308-56A-156 REIMBURSEMENT FOR VEHICLES REPORTED STOLEN PRIOR TO INSPECTION. A vehicle owner

may be reimbursed pursuant to RCW 46.12.360 for the fair market value of a vehicle reported stolen prior to a physical inspection pursuant to RCW 46.12.030. No claim shall be allowed unless the vehicle stolen report was entered into a stolen vehicle file maintained by:

(1) The United States National Crime Information Center (NCIC); or

(2) The Canadian Police Information Center (CPIC).

NEW SECTION

WAC 308-56A-160 MODEL YEAR, HOW DETERMINED.

(1) The model year for a vehicle is the model year assigned by the manufacturer when the vehicle is manufactured or assembled. The model year shall be designated on the manufacturer's statement of origin or similar documents provided by the actual manufacturer.

(2) In the event an original manufacturer has not assigned a model year or the vehicle has been rebuilt or assembled, the Washington state patrol or other person authorized by the director to make vehicle inspections will use the following criteria to establish the model year:

(a) The model year for homemade vehicles will be determined by the Washington state patrol based on the date of final completion or assembly.

(b) When possible, the model year will be determined from the vehicle identification number (VIN). When the VIN does not identify the production date, corresponding production records of the manufacturer may be used.

(c) If a motorhome is manufactured with a chassis whose VIN indicates a model year which differs from the year of manufacture of the body, the model year for such motorhome will be the year the assembly of frame and body was completed by the manufacturer.

(d) If a motorhome is the result of combining a truck and camper, the model year for such resultant motorhome will be the model year of the truck.

(e) The model year for assembled vehicles, kit vehicles and replicas without manufacturer's statements of origin will be determined by the Washington state patrol based on the date of manufacture of the vehicle which the assembled vehicle most closely resembles.

(3) For purposes of this section, a manufacturer means any person, firm, corporation, partnership or association, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part.

AMENDATORY SECTION (Amending Order MV 170, filed 7/16/73)

WAC 308-66-195 POSSESSION OF CERTIFICATES OF TITLE. (1) A vehicle dealer shall have possession of a separate certificate of ownership for each used vehicle kept in his or her possession unless that certificate is in the possession of the person holding a security interest in the dealer's inventory.

(2) Each title shall be in the dealer's own name or in the name of the dealer's immediate vendor properly assigned.

(3) If there is a lienholder on any vehicle acquired by the dealer, the dealer shall obtain possession of the title by paying off any balance due to the lienholder no later than the close of the second business day following the date of acquisition of the vehicle by the dealer.

(4) If the used vehicle is imported from a foreign jurisdiction, except from another state, territory or possession of the United States, District of Columbia or Commonwealth of Puerto Rico, and an intervening state of Washington title has not been issued, the dealer shall also have possession of:

(a) A Department of Treasury Customs Form 7501 (030984) entitled "Entry Summary" or its successor form as revised by the U.S. Customs Service properly completed and annotated by the U.S. Customs Service; and

(b) A copy of the U.S. Department of Transportation (DOT) release showing the vehicle conforms to the safety standards established by the DOT.

(5) On vehicles designed for the U.S. market or otherwise conforming to DOT standards and such conformity is annotated on the Customs Form 7501 or its successor form, dealers need not have in their possession the applicable release as required in (4)(b) of this section.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 87-04-070
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 10, 1987.

The authority under which these rules are proposed is RCW 75.08.070 and 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 10, 1987.

Dated: February 4, 1987
By: Judith Merchant
for Joseph R. Blum
Director

STATEMENT OF PURPOSE

Title: WAC 220-44-050 Coastal bottomfish catch limits.

Description of Purpose: Set bottomfish limits.

Statutory Authority: RCW 75.08.070 and 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: Bottomfish catch limits consistent with recommendations of the Pacific Marine Fisheries Commission are proposed for conservation of stocks.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 586-2429; Implementation: Mark G. Pedersen, 115 General Administration Building, Olympia, Washington, 753-6716; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

These rules are proposed by the Washington Department of [Fisheries].

Comments: No public hearing is scheduled.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

AMENDATORY SECTION (Amending Order 86-39, filed 5/28/86)

WAC 220-44-050 COASTAL BOTTOMFISH CATCH LIMITS. It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) Widow rockfish (*Sebastodes entomelas*) – one vessel trip per week not to exceed 30,000 pounds. No vessel may make more than one landing in excess of 3,000 pounds per calendar week.

(2) Shortbelly rockfish (*Sebastodes jordani*) and idiot rockfish (*Sebastolobus spp.*) – no maximum poundage per vessel trip; no minimum size.

(3) Pacific Ocean perch (*Sebastodes alutus*) – no restriction on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 percent or less of total

weight of fish on board. Under no circumstances may a vessel land more than ((+0,000)) 5,000 pounds of Pacific Ocean perch in any one vessel trip.

(4) All other species of rockfish (*Sebastodes spp.*) – 25,000 pounds of all other species combined per vessel trip per calendar week, defined as Sunday through the following Saturday, of which no more than 10,000 pounds may be yellowtail rockfish (*Sebastodes flavidus*), except that a fisherman having made a ((1986)) 1987 declaration of intent may make either one landing of no more than 50,000 pounds of all other species combined per vessel trip biweekly, defined as Sunday through the second Saturday following, of which no more than 20,000 pounds may be yellowtail rockfish, or two landings of not more than 12,500 pounds of all other species in any one calendar week of which not more than 5,000 pounds in any one landing may be yellowtail rockfish. All previous declaration forms ((covering 1985 landings)) have expired and it is unlawful for any vessel to make other than one vessel trip per week unless a new declaration form has been completed as provided for in this subsection. The ((1986)) 1987 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be ((postmarked at least seven days)) received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which such fishing for other species of rockfish will commence, and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing at the beginning of any month by filing a declaration of intent to stop biweekly fishing for other species of rockfish with the department in the above manner. The declaration to stop biweekly fishing for other species of rockfish and begin one vessel trip per calendar week fishing must be ((made at least seven days)) received prior to the beginning of the ((month)) week in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.

The date of first landing will determine the beginning of biweekly periodicity, biweekly periodicity will restart after a landing that occurs more than four calendar weeks after the immediate prior landing.

(5) Sablefish – minimum size 22 inches in length, unless dressed in which case minimum size 16 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail, except that an incidental catch less than the minimum size of 5,000 pounds for trawl gear or 100 pounds for fixed gear is allowed; no vessel trip restrictions.

(6) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

(7) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

WSR 87-04-071
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning aquaculture disease control;

that the agency will at 10:00 a.m., Tuesday, March 10, 1987, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 17, 1987.

The authority under which these rules are proposed is RCW 75.58.010.

The specific statute these rules are intended to implement is RCW 75.58.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 10, 1987.

Dated: February 4, 1987
 By: Judith Merchant
 for Joseph R. Blum
 Director

STATEMENT OF PURPOSE

Title: WAC 220-77-010 Intent; 220-77-020 Definitions—Aquaculture disease control; 220-77-030 Finfish aquaculture disease control; 220-77-040 Shellfish aquaculture disease control; 220-77-050 Amphibian aquaculture disease control; 220-77-060 Marine plant aquaculture disease control; and 220-77-070 Aquaculture disease control—Emergency provisions.

Description of Purpose: Establish rules for aquaculture disease control.

Statutory Authority: RCW 75.58.010.

Summary of Rule and Reasons Supporting Proposed Action: Importation of any aquaculture product requires a permit, which may additionally require compliance with the requirements of the State Environmental Protection Act. A transfer permit is established for marine plants. Emphasis is on knowledge of the disease history in the area from which the aquaculture products are obtained. The director of fisheries is given emergency powers to deny issuance of an import permit or transfer permit, to quarantine, confiscate, destroy, or require the removal from state waters of aquaculture products when danger to other aquaculture or native plants or animals is demonstrated. Provision for an emergency departmental hearing is made. These proposals are necessary to prevent importation of disease that threatens the aquaculture and natural resources of the state.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 586-2429; **Implementation:** Edward P. Manary and Ronald E. Westley, 115 General Administration Building, Olympia, Washington, 753-6772; and **Enforcement:** James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

These rules are proposed by the Washington Department of Fisheries and the Washington Department of Agriculture.

Comments: None.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

Chapter 220-77 WAC AQUACULTURE DISEASE CONTROL

WAC

220-77-010	Intent.
220-77-020	Definitions—Aquaculture disease control.
220-77-030	Finfish aquaculture disease control.
220-77-040	Shellfish aquaculture disease control.
220-77-050	Amphibian aquaculture disease control.
220-77-060	Marine plant aquaculture disease control.
220-77-070	Aquaculture disease control—Emergency provisions.

NEW SECTION

WAC 220-77-010 **INTENT.** The intent of this chapter is to establish rules to protect the aquaculture industry and wild stock fisheries from a loss of productivity due to aquatic diseases or maladies. These rules will identify the conditions that will be required for transfer and importation of live aquaculture products and the circumstances when action will be taken to control disease. These rules have been developed jointly by the department and the department of agriculture.

NEW SECTION

WAC 220-77-020 **DEFINITIONS—AQUACULTURE DISEASE CONTROL.** For purposes of this chapter, the following definitions apply:

(1) "Aquaculture products" are defined as private sector cultured aquatic products propagated, farmed, or cultivated on aquatic farms under the supervision and management of an aquatic farmer, or such products naturally set on lands under the active supervision and management of an aquatic farmer.

(2) "Disease" is defined as infection, contagious disease, parasite, or pest, occurring on or within the aquaculture product or on or within the water and substrate associated with the aquaculture product, or an occurrence of significant mortality suspected of being of an infectious or contagious nature.

(3) "Finfish" is defined as live fish, fish eggs, or fish gametes, but not to include aquaria species commonly sold in the pet store trade when raised in indoor containers, indigenous marine baitfish, or mosquito fish.

(4) "Shellfish" is defined as all members of the phyla mollusca, arthropoda, and echinodermata.

(5) "Epizootic" is defined as the occurrence of a specific disease which can be detected in fifty percent of the mortality or moribund individual fish in an affected container, and which results in an average daily mortality of at least one-half of one percent of the affected individual fish for five or more days in any thirty-day period.

(6) "Marine plant" is defined as nonvascular plants belonging to the phyla Chlorophyta, Phaeophyta, or Rhodophyta and vascular plants belonging to the family Zosteraceae when growing in marine or estuarine waters, and includes the seeds, spores, or any life-history phase of the plants. "Marine plants" do not include aquaria plants or phytoplankton.

(7) "Working day" is defined as any day other than Saturday, Sunday, or a Washington state holiday.

(8) "Department" is defined as the department of fisheries.

NEW SECTION

WAC 220-77-030 **FINFISH AQUACULTURE DISEASE CONTROL.** (1) It is unlawful for any person to import into or transport within the state of Washington finfish aquaculture products without first having obtained a permit to do so issued by the department. A copy of the permit shall accompany the finfish aquaculture products at all times within the state of Washington, and must be presented upon request to department employees.

(2) The director may impose permit conditions as necessary to ensure the protection of aquaculture products and native finfish from disease when the director concludes that there is a reasonable risk of disease transmission associated with the finfish aquaculture products.

(3) Upon confirmed diagnosis of viral hemorrhagic septicemia, or confirmed diagnosis of whirling disease, infectious hematopoietic necrosis, or infectious pancreatic necrosis in a previously uninfected lot, the department must be notified by the end of the following working day after diagnosis by an accredited pathologist.

(4) The director will issue, upon request, a pamphlet containing policy guidelines for importers and transferors of finfish aquaculture products.

(5) The director will issue or deny a permit within thirty days after a completed application containing all requested information is received by the department.

(6) Violation of these rules or the conditions of the permit may result in the suspension or revocation of the permit.

(7) In the event of denial, suspension, or revocation of an importation or transfer permit, the affected person may appeal the decision to the director. Additional appeals may be made through the Administrative Procedure Act (chapter 34.04 RCW.) A suspended or revoked permit will remain suspended or revoked during the appellate process.

NEW SECTION

WAC 220-77-040 SHELLFISH AQUACULTURE DISEASE CONTROL. (1) It is unlawful for any person to import into or transport within the state of Washington shellfish aquaculture products, without first having obtained a permit to do so issued by the department. A copy of the permit shall accompany the shellfish aquaculture products at all times within the state of Washington, and must be presented upon request to department employees. Possession of an oyster transfer permit issued under RCW 74.24.110 will meet the requirements of this subsection.

(2) The director may impose permit conditions as necessary to ensure the protection of aquaculture products and native shellfish from disease when the director concludes that there is a reasonable risk of disease transmission associated with the shellfish aquaculture products.

(3) For established species and established routes of commerce, the department will issue import and transfer permits if the following criteria are met:

(a) A regular pattern of introduction with no more than a one-year time lapse between introductions.

(b) Documentation of recent mortality and disease history of the shellfish aquaculture product in the area of origin.

(c) Verification that there has been no introduction of diseased stocks into the area of origin.

(d) Documentation that the shellfish aquaculture product is from the area of origin.

(4) For established species not from established routes of commerce, the department will additionally require the following before deciding whether to issue an import or transfer permit:

(a) Documentation of mortality and disease of the shellfish aquaculture product for the past ten years, together with similar information for closely related species, if deemed necessary.

(b) A history of those diseases in the area of origin that may affect aquaculture products or native fauna and flora.

(c) When applicable, documentation of an agreement with the appropriate governmental agency with management responsibility in the area of origin.

(5) For nonestablished species, the department will additionally consider the following criteria, which may require the importer to provide a detailed life history and comply with the requirements of SEPA:

(a) The capability of the receiving facility to hold the shellfish aquaculture product in quarantine.

(b) The ability of the shellfish aquaculture product to naturally reproduce or interbreed with endemic species in state waters.

(c) The ability of the shellfish aquaculture product to compete with or prey upon endemic species.

(6) For purposes of verification of the disease-free status of shellfish aquaculture products in subsections (3), (4), and (5) of this section, the department may require sufficient samples for histological evaluation either prior to or after subjecting the shellfish aquaculture products to stress tests to detect latent disease conditions. In the event of failure to obtain permit approval, consideration will be given to introduction after hatchery production of a second generation stock.

(7) Violation of these rules or the conditions of the permit may result in the suspension or revocation of the permit.

(8) In the event of denial, suspension, or revocation of an importation or transfer permit, the affected person may appeal the decision to the director. Additional appeals may be made through the Administrative Procedure Act (chapter 34.04 RCW.) A suspended or revoked permit will remain suspended or revoked during the appellate process.

NEW SECTION

WAC 220-77-050 AMPHIBIAN AQUACULTURE DISEASE CONTROL. (1) It is unlawful to import into the state of Washington amphibian aquaculture products without having first obtained a permit to do so issued by the director.

(2) It is unlawful to possess African clawed frogs for aquaculture.

NEW SECTION

WAC 220-77-060 MARINE PLANT AQUACULTURE DISEASE CONTROL. (1) It is unlawful for any person to import into the state of Washington marine plant aquaculture products without having first obtained a permit to do so issued by the department. A copy of the permit shall accompany the imported marine plant aquaculture

products at all times until the initial point of entry into the marine environment, and must be presented upon request to department employees.

(2) The director may impose permit conditions as necessary to ensure the protection of aquaculture products and native marine plants from disease or pests when the director concludes there is a reasonable risk of disease or pest transmission associated with marine plant aquaculture products.

(3) For *Porphyra yezoensis* and *P. tenera*, the director will issue import and transfer permits if the plants are in the form of:

(a) Unialgal conchocelis culture of free living material; or

(b) Conchocelis-phase culture in shells after the shells and conchocelis have been washed and soaked in fresh water for at least twenty-four hours; or

(c) Blade phase on netting after two weeks at a temperature of minus twenty degrees centigrade or lower.

(4) For import of other species, the department will consider at least the following criteria, which may require the importer to provide a detailed life history and comply with the requirements of SEPA:

(a) The ability of the marine plant aquaculture product to naturally reproduce or interbreed with existing species in state waters.

(b) The ability of the marine plant aquaculture product to compete with existing species.

(5) Importation of marine plant aquaculture products for scientific study in a laboratory or under other controlled conditions is allowed without having obtained a permit when measures are taken to prevent release of the products or release of their gametes, spores, or tissue fragments into state waters. The director may inspect facilities to ensure appropriate control measures.

(6) For purposes of verification of the disease-free status of the marine plant aquaculture product in subsections (3), (4), and (5) of this section, the department may require sufficient samples for evaluation. In event of failure to obtain permit approval, consideration will be given to introduction after laboratory production of a second generation.

(7) It is unlawful to transfer marine plant aquaculture products between any of the following geographic areas without having first obtained a transfer permit: Columbia River; Pacific Ocean waters; Willapa Harbor; Grays Harbor; Puget Sound. No transfer permit is necessary for transfer within any of the geographic regions described above. When required, a copy of the transfer permit shall accompany the marine plant aquaculture products at all times until the products are reintroduced into state waters, and the transfer permit must be presented upon request to department employees.

(8) Violation of these rules, or the condition of any permit may result in suspension or revocation of the permit.

(9) In the event of denial, suspension, or revocation of an importation or transfer permit, the affected person may appeal the decision to the director. Additional appeals may be made through the Administrative Procedure Act (chapter 34.04 RCW.) A suspended or revoked permit will remain suspended or revoked during the appellate process.

NEW SECTION

WAC 220-77-070 AQUACULTURE DISEASE CONTROL—EMERGENCY PROVISIONS. (1) The director may take the following emergency enforcement actions when evidence indicates these actions are necessary to protect aquaculture products and native stocks from disease or severe mortality from an unexplained source:

(a) Deny issuance of an import or transfer permit.

(b) Quarantine the aquaculture products.

(c) Confiscate or order the destruction of the aquaculture products.

(d) Require removal of the aquaculture product from state waters.

(2) Confiscation or destruction will be ordered without a hearing if confirmed diagnosis by an accredited pathologist is made that finfish aquaculture products are infected with the causative agent of viral hemorrhagic septicemia (Egvtd virus.)

(3) For finfish, shellfish, amphibian, and marine plant aquaculture products:

(a) Isolation may be ordered without a hearing when aquaculture products are transferred without appropriate inspections or permits or transferred in violation of the conditions of a permit.

(b) Isolation may be ordered without a hearing when evidence demonstrates that aquaculture products, previously imported, may introduce a disease not known to occur in Washington.

(4) For finfish aquaculture products, an epizootic of whirling disease, infectious hematopoietic necrosis or infectious pancreatic necrosis may result in quarantine, confiscation, or destruction, subject to the

aquatic farmer's right to an emergency departmental hearing, if confiscation or destruction are ordered.

(5) For shellfish aquaculture products, an outbreak of serious mortality in which contagious disease is suspected may result in quarantine or require removal of the suspected diseased shellfish aquaculture products from state waters, subject to the aquatic farmer's right to an emergency departmental hearing, if removal from state waters is ordered.

(6) When there is evidence that continued presence of aquaculture products in state waters may cause disease that would harm other aquaculture products or native fauna or flora, the director may order quarantine, confiscation, destruction, or removal from state waters. Except as provided for in subsections (2) and (3) of this section, the aquatic farmer has a right to a departmental hearing. In the event the director has ordered emergency action of confiscation, destruction, or removal from state waters, the director shall give notice to the affected aquatic farmer. At the time of notice of emergency action, the affected aquatic farmer may request an emergency departmental hearing. If requested, the hearing will take place no later than the third working day after notice is received by the aquatic farmer. The hearing will be presided over by a hearing officer appointed by the director, who will consider the severity of the disease outbreak, remedies, and alternate courses of action. The hearing officer shall present a recommendation to the director. The director will then review the emergency action and, if appropriate, order confiscation, destruction, or removal from state waters. If so ordered, the emergency action will take place no sooner than forty-eight hours after the order. If no request for an emergency departmental hearing is received, the emergency action of confiscation, destruction, or removal from state waters, may take place immediately after the third working day after the notice is received by the aquatic farmer.

(7) If the department refuses to issue an import or transfer permit, or orders quarantine or isolation of aquaculture products, the aquatic farmer has a right to a hearing under the Administrative Procedure Act (chapter 34.04 RCW.)

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-76-030 ——DISEASE—CONTROL. (980, 3/4/72)

WSR 87-04-072

NOTICE OF PUBLIC MEETINGS WASHINGTON STATE LIBRARY (Library Commission) [Memorandum—February 4, 1987]

On March 11, 1987, the WSLC will meet for a staff briefing in the Office of the State Librarian, State Library Building, Olympia, at 4:00 p.m.

On March 12, 1987, the Washington State Library Commission will hold a public hearing on amending chapter 304-12 WAC, rules and regulations, Washington State Library, in the Conference Room of the Timberland Regional Library Service Center, 415 Airstustrial Way S.W., Olympia, beginning at 10:00 a.m. The regular business meeting will follow immediately.

WSR 87-04-073

PROPOSED RULES

PARKS AND RECREATION COMMISSION

[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State

Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning use of metal detectors in state parks, WAC 352-32-235;

that the agency will at 9:00 a.m., Friday, March 20, 1987, in the Ocean Shores Convention Center, Chance A La Mer and Minard, Ocean Shores, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.51.040 and 43.51.060.

The specific statute these rules are intended to implement is RCW 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 16, 1987.

Dated: February 4, 1987

By: Mike Reed
Executive Assistant

STATEMENT OF PURPOSE

Title: Use of metal detectors in state parks, WAC 352-32-235.

Description of Purpose: To establish a policy authorizing the use of metal detectors in state parks.

Statutory Authority: RCW 43.51.040 and 43.51.060.

Summary of Rule: Authorizes use of metal detectors, and the removal of found items in parks designated by the director, subject to certain provisions, including the following: Use may occur only in specified areas of designated parks; the use season is the day after Labor Day through May 15 of each year; users are to sign a register at the park; historic or archaeological materials may not be removed; and associated provisions.

Reasons Supporting Proposed Action: Continuing interest in using metal detectors in state parks calls for a policy authorizing such use, to the extent that it does not interfere with recreational and historic values.

Agency Personnel Responsible for Drafting: Mike Reed, Executive Assistant, State Parks and Recreation Commission, 7150 Cleanwater Lane, KY-11, Olympia, Washington 98504-5711; Implementation and Enforcement: Lynn Genasci, Assistant Director – Operations, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504-5711.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: [No information supplied by agency.]

Federal Law/Court Action: [No information supplied by agency.]

NEW SECTION

WAC 352-32-235 USE OF METAL DETECTORS IN STATE PARKS. The use and operation of metal detectors, as well as the removal of found materials, is permitted within selected state parks as designated by the director, subject to the conditions and limitations specified.

(1) The use of metal detectors is permitted only within specified portions of the developed day use areas of these state parks as posted for public reference.

(2) Recovery and removal of any items found on state parks property, whether through the use of a metal detector or otherwise, are subject to the provisions of the Lost and found property statute (chapter 63.21 RCW.)

(3) The use of metal detectors within a state park shall be limited to hours of operation from the day after Labor Day through May 15 of each year. No use shall be allowed during periods of seasonal or emergency park closure.

(4) Any person wishing to use a metal detector shall so indicate to park personnel at the park where the use is to occur, by signing a register provided for such purpose.

(5) Metal detector use shall not interfere with other recreational activities.

(6) No item which appears to be of historical or archaeological significance, remaining from either early pioneer activity or from a native American presence, may be removed from the site at which it was found. Any such find shall be immediately reported to park personnel, and the area in which the find occurred shall not be disturbed further.

(7) Digging implements shall be limited to ice picks and screwdrivers. Any holes dug shall be limited to six inches maximum depth and shall be immediately refilled and the surface restored to its earlier condition.

(8) Exceptional uses of metal detectors in state parks may be allowed through the issuance of a special recreation event application, available from the agency.

by multiple camping units; making language corrections and defining terms.

Statutory Authority: RCW 43.51.040 and 43.51.060.

Summary of Rule: Moorage fees which are currently applicable from May 1 through Labor Day are extended throughout the year at specified parks. Registration for, and reservation of, multiple campsites for more than one camping unit is authorized. Fees for multiple campsites are established.

Reasons Supporting Proposed Action: There is interest among campers in reserving campsites for parties consisting of two or more camping units that wish to camp together. Agency facilities can reasonably accommodate such units without undue impacts on other campers.

Agency Personnel Responsible for Drafting: Mike Reed, Executive Assistant, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, Washington 98504-5711; **Implementation and Enforcement:** Lynn Genasci, Assistant Director – Operations, 7150 Cleanwater Lane, Olympia, Washington 98504-5711.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: [No information supplied by agency.]

Federal Law/Court Action: [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 88, filed 3/22/85, effective 5/15/85)

WAC 352-12-020 MOORAGE FEES. (1) Vessels moored between 3 p.m. and 8 a.m. at those facilities designated by the commission shall be charged a nightly moorage fee during the period May 1 through Labor Day, inclusive, according to the following schedule:

(a) Vessels twenty-six feet in length, and over, \$5.50 per night;

(b) Vessels under twenty-six feet in length, \$3.50 per night: PROVIDED, HOWEVER, This fee shall be applicable all year at Blake Island, Cornet Bay, Jarrell Cove, and Mystery Bay State Parks: PROVIDED FURTHER, Vessels properly displaying a valid seasonal permit shall not be charged a nightly moorage fee: PROVIDED FURTHER, There shall be no moorage fee for dinghies, vessels moored to state park buoys, vessels moored to floats not attached to piers, or any vessel riding on its own anchor: PROVIDED FURTHER, There shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

AMENDATORY SECTION (Amending Order 91, filed 2/25/86)

WAC 352-32-010 DEFINITIONS. Whenever used in this chapter the following terms shall be defined as herein indicated:

(1) "Commission" shall mean the Washington state parks and recreation commission.

(2) "Director" shall mean the director of the Washington state parks and recreation commission.

(3) "Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.

(4) "Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

(5) "Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

(6) "Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal

Dated: February 4, 1987
By: Mike Reed
Executive Assistant

STATEMENT OF PURPOSE

Title: Moorage fees, WAC 352-12-020; Definitions, WAC 352-32-010; Camping, WAC 352-32-030; Campsite reservation, WAC 352-32-035; and Standard fees charged, WAC 352-32-250.

Description of Purpose: Extending moorage fee requirements throughout the year at specified parks; authorizing the reservation and use of multiple campsites

and flush comfort station. Each campsite includes a camp stove and picnic table.

(7) "Utility campsite" shall mean a standard campsite with the addition of one or all of the following utility hookups: Domestic water, sewer and electricity.

(8) "Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

(9) "Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

(10) "Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

((10)) (11) "Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

((11)) (12) "Emergency area" is an area in the park separate from the designated overnight camping area, which may be used for camping between the hours of 9 p.m. and 8 a.m. when no alternative camping facilities are available within reasonable driving distances.

((12)) (13) "State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-36 WAC.

((13)) (14) "Environmental learning centers (ELC)" shall mean those designated specialized facilities (formerly called resident group camps) designed to promote outdoor camping experiences and environmental education by groups in a residential setting. A group can be formalized group or an organized collection of families wishing to camp or use the ELC. ELCs are located at Camp Wooten, Columbia County; Brooks Memorial State Park, Klickitat County; Sun Lakes State Park, Grant County; Deception Pass State Park, Island and Skagit Counties; Fort Flagler State Park, Jefferson County; Millersylvania State Park, Thurston County; Moran State Park, San Juan County; Fields' Spring State Park, Asotin County; and Sequim Bay State Park, Clallam County.

((14)) (15) "Camping unit" shall mean a group of people (one or more persons) that is organized, equipped and capable of sustaining its own camping activity.

((15)) (16) "Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

(a) Camping at a given park for more than twenty days within a thirty-day time period May 1 through September 30; or thirty days within a sixty-day time period October 1 through April 30. As provided in WAC 352-32-030 ((6)) (7), continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights May 1 through September 30 and fifteen consecutive nights October 1 through April 30 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

(b) The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

((16)) (17) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

((17)) (18) "Upland" shall mean all lands lying above mean high water.

AMENDATORY SECTION (Amending Order 91, filed 2/25/86)

WAC 352-32-030 CAMPING. (1) Camping facilities of the state parks within the Washington state parks and recreation commission system are designed and administered specifically to provide recreational opportunities for park visitors. Use of park facilities for purposes which are of a nonrecreational nature, such as long-term residency at park facilities, obstructs opportunities for recreational use, and is inconsistent with the purposes for which those facilities were designed.

No person or camping unit may use any state park facility for residence purposes, as defined (WAC 352-32-010 ((15)) (16)).

(2) No person shall camp in any state park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(3) Occupants shall vacate camping facilities by removing their personal property therefrom prior to 3:00 p.m., (or other appropriate, established time in parks where camping is reserved) if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(4) Use of utility campsites by tent campers shall be subject to payment of the utility campsite fee except when otherwise specified by a ranger.

(5) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park. In order to afford the public the greatest possible use of the state park system on a fair and equal basis, campsites in those parks not on the state park reservation system will be available on a first-come, first-serve basis. No person shall hold or attempt to hold campsite(s), for another camping unit for present or future camping dates, except as prescribed for multiple campsites. Any site occupied by a camping unit must be actively utilized for camping purposes.

(6) One person may register for one or more sites within a multiple campsite by paying the multiple campsite fee (WAC 352-32-250(6).) Registration preference will be given to multiple camping units who want to use multiple sites. An individual may register and hold a multiple campsite for occupancy on the same day by other camping units. Multiple campsites in designated reservation parks are reservable under the reservation system.

(7) In order to afford the general public the greatest possible use of the state park system, on a fair and equal basis, and to prevent residential use, continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, May 1 through September 30, not to exceed twenty days in a thirty-day time period; and fifteen consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, October 1 through April 30, not to exceed thirty days in a sixty-day time period. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

((7)) (8) Only one camping unit with a maximum of eight people shall be permitted at a campsite, unless otherwise authorized by a ranger. The number of vehicles occupying a campsite shall be limited to one car or one recreational vehicle: PROVIDED, That one additional vehicle without built-in sleeping accommodations may occupy a designated campsite when in the judgment of a ranger the constructed facilities so warrant. The number of tents allowed at each campsite shall be limited to the number that will fit on the designated or developed tent pad as determined by a ranger.

((8)) (9) Persons traveling by bicycles, motor bikes or other similar modes of transportation and utilizing campsites shall be limited to eight persons per site, provided no more than four motorcycles shall occupy a campsite.

((9)) (10) All persons camping in organized groups shall use designated group camp areas unless otherwise directed by a ranger and shall pay the applicable group camping fee.

A group can be any formalized group or an organized collection of families wishing to camp together.

Group camping areas may be reserved in advance through contact with the local ranger. Any group must have a leader who has reached the age of majority who will be required to read and sign a "Group use permit and regulation form."

((10)) (11) Emergency camping areas set aside in certain state parks may be used only when all designated campsites are full but may not be used prior to 9:00 p.m. Persons using emergency areas must pay the standard campsite fee and must vacate the site by 8:00 the following morning.

AMENDATORY SECTION (Amending Order 97, filed 11/24/86)

WAC 352-32-035 CAMPsite RESERVATION. (1) Advance campsite reservations will be available in certain state parks as designated by the director.

(2) The period during which campsites may be reserved is from the Friday before Memorial Day through Labor Day.

(3) Reservation requests can only be made for camping dates within the current calendar year.

(4) Requests for reservations may be made in writing and must be postmarked a minimum of fourteen days in advance of the first camping night requested. Written reservation requests postmarked on or after January 1 will be accepted; reservation requests postmarked prior to January 1 will be returned. Accepted reservation requests will be processed in order of arrival, beginning the second Monday in January and up to fourteen days in advance of Labor Day.

(5) Reservations may be made in person on or after April 1 at the park where camping is to occur.

(6) There will be a \$4.00 nonrefundable fee charged for each reservation made at each park, in addition to the standard campsite fee, regardless of the number of days reserved. Payment of the nonrefundable reservation fee and first night's camping fee must accompany the reservation request.

(7) Recreation, camping and reservation information may be obtained by calling the campsite information center on the toll-free telephone number established for that purpose. No reservation may be made by telephone.

(8) No individual may reserve a campsite in more than one state park, for one or more of the same days.

(9) Reservations for a specific campsite within a park will not be guaranteed.

(10) (~~Campers who arrive at the park without a reservation may use unreserved campsites for up to ten consecutive days, beginning the day of arrival~~) Campsites which have not been reserved may be used on a first-come-first-served basis without paying a reservation fee, if the site is occupied immediately.

(11) A raincheck will be issued for the camping fee paid for any confirmed reservation which is not used, provided a cancellation request is made by calling the campsite information center or the park in which the site is reserved, no less than twenty-four hours in advance of the first day of the reservation, or in writing to the park, postmarked seven days in advance of the first day of the reservation. Rainchecks will be valid for one year from the date of issue, and may be used toward camping fees in any state park, or may accompany a subsequent reservation request in lieu of payment for the first night's camping fee.

(12) Campers will be declared no-show and forfeit their reservation as well as the reservation fee and the first night's camping fee if they have not cancelled or if the reservation is not claimed by 9:00 p.m. After (~~these hours~~) this time, the site may be reassigned, unless late arrival arrangements are made with the park by telephone between the hours of 7:00 p.m. and 9:00 p.m. on the day of arrival.

AMENDATORY SECTION (Amending Order 88, filed 3/22/85, effective 5/15/85)

WAC 352-32-250 STANDARD FEES CHARGED. The following fees shall be charged in all parks operated by the Washington state parks and recreation commission:

(1) Overnight camping - standard campsite: \$6.00 per night;

(2) Overnight camping - utility campsite: \$6.00 per night plus a nightly fee of \$.50 for domestic water hookup, \$.50 for sewer hookup, and \$1.50 for electrical hookup. Payment for all utility hookups available to the site will be collected whether utility is actually used or not;

(3) Overnight camping - primitive campsite: \$3.00 per night for nonmotorized vehicle and \$4.50 per night for motorized vehicle;

(4) Overnight camping - reservation fee: As specified in WAC 352-32-035;

(5) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite.

(6) Group camping area - certain parks: ((\$.35)) \$.50 per person per night; nonrefundable reservation fee - \$10.00. Recreational vehicle campers must pay the primitive campsite fee or other appropriate fee based on facilities available;

((6)) (7) Environmental learning center - overnight camping: ((\$.295)) \$3.15 per camper per night: PROVIDED, HOWEVER, The fee shall be ((\$.35)) \$3.40 per camper per night, effective September (3, 1985) 8, 1987;

(a) Camp Wooten and Cornet Bay environmental learning centers during the season the swimming pools are operational: ((\$.35)) \$3.55 per camper per night: PROVIDED, HOWEVER, The fee shall be ((\$.35)) \$3.80 per camper per night, effective September (3, 1985) 8, 1987;

(b) Environmental learning center - day use only: \$1.00 multiplied by the minimum capacity established for each environmental learning center or \$1.00 for each member of the group - whichever is higher;

((7)) (8) Hot showers: \$.25 for a minimum of six minutes shower time;

((8)) (9) Electric stoves: \$.25 for thirty minutes cooking time;

((9)) (10) Adirondacks - not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

((10)) (11) Extra vehicle charge: ((\$.00)) \$3.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: PROVIDED, An extra vehicle charge shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

((11)) (12) Marine park moorage facilities - see WAC 352-12-020 and 352-12-030.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

WSR 87-04-075**PROPOSED RULES****PARKS AND RECREATION COMMISSION**

[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning financing historic presentation [preservation] projects, chapter 352-42 WAC; and Advisory Council on Historic Preservation, chapter 352-44A WAC;

that the agency will at 9:00 a.m., Friday, March 20, 1987, in the Ocean Shores Convention Center, Chance A La Mer and Minard, Ocean Shores, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.51.040 and 43.51.060.

The specific statute these rules are intended to implement is RCW 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 16, 1987.

Dated: February 4, 1987

By: Mike Reed
Executive Assistant

STATEMENT OF PURPOSE

Title: Financing historic preservation projects, chapter 352-42 WAC; and Advisory Council on Historic Preservation, chapter 352-44 [352-44A] WAC.

Description of Purpose: Repeal of chapter[s].

Statutory Authority: RCW 43.51.040 and 43.51.060.

Summary of Rule: This action repeals chapters in the Parks and Recreation Commission code providing for the Advisory Council on Historic Preservation, and the financing of the historic preservation projects.

Reasons Supporting Proposed Action: Jurisdiction for historic preservation programs is no longer with the Parks and Recreation Commission; the Office of Archaeology and Historic Preservation, within the Department of Community Development, is responsible for this program. That office has adopted administrative code pursuant to these responsibilities; the subject Parks and Recreation Commission codes are, therefore, duplicative.

Agency Personnel Responsible for Drafting: Mike Reed, Executive Assistant, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, KY-11, Olympia, WA 98504-5711.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: [No information supplied by agency.]

Federal Law/Court Action: [No information supplied by agency.]

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 352-42-010	SCOPE OF CHAPTER.
WAC 352-42-020	ENTITIES ELIGIBLE FOR FUNDING ASSISTANCE.
WAC 352-42-030	PROJECTS ELIGIBLE FOR FUNDING.
WAC 352-42-040	MATCHING REQUIREMENTS.
WAC 352-42-050	PROCEDURAL DETAIL.
WAC 352-42-060	ADMINISTRATIVE COSTS.
WAC 352-42-070	JOINT RULES.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 352-44A-010	PURPOSE.
WAC 352-44A-020	DEFINITIONS.
WAC 352-44A-030	DESCRIPTION OF PURPOSE AND STAFF.
WAC 352-44A-040	PROCEDURES.
WAC 352-44A-050	PUBLIC RECORDS AVAILABLE.

WSR 87-04-076 PROPOSED RULES HIGHER EDUCATION COORDINATING BOARD

[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Coordinating Board intends to adopt, amend, or repeal rules concerning state need grant, WAC 250-20-021. Adoption of a definition, and eligibility criteria, for "the core of students with extremely high unmet need," as required by section 607 of the 1985-87 Appropriations Act;

that the agency will at 9:30 a.m., Thursday, March 19, 1987, in the Vance Airport Inn, Sea-Tac, 18220 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.12.060.

The specific statute these rules are intended to implement is RCW 28B.12.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 18, 1987.

Dated: February 4, 1987

By: A. Robert Thoeny
Executive Director

STATEMENT OF PURPOSE

Title: Proposal to have the Higher Education Coordinating Board formally adopt state need grant program rules, originally submitted to the code reviser's office April 11, 1986 (WSR 86-09-033).

Description of Purpose: This statement of purpose is intended to accompany the notice of intention to adopt, amend, or repeal rules (Form CR-1) filed by the Higher Education Coordinating Board. This action appears necessary in that the Joint Administrative Rules Review Committee has determined that the board may not delegate rule-making responsibility to Higher Education Coordinating Board staff. Therefore a duplicate set of the April 11, 1986, proposed rules is submitted for formal adoption by members of the board at its March 19, 1987, meeting.

Statutory Authority: RCW 28B.10.806.

Specific Statute Rule is Intended to Implement: RCW 28B.10.806.

Summary of Rule: These amendments make the following changes to the rules: Establish a separate ranking factor of 5565 for single parents with one child; and change agency references from Council for Postsecondary Education to Higher Education Coordinating Board.

Reasons Supporting Proposed Action: This change enables single parents whose resources are no greater than those received through the Department of Social and Health Services to become eligible for the state need grant program.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Shirley A. Ort, Higher Education Coordinating Board, 908 East Fifth, Olympia, Washington 98504.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Higher Education Coordinating Board, governmental agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: Not necessary as a result of federal law or court action.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 9-82, filed 7/20/82)

WAC 250-20-021 PROGRAM DEFINITIONS. (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the ((council)) higher education coordinating board the financial inability, either parental,

familial, or personal, to bear the total cost of education for any semester or quarter.

(2) The term "disadvantaged student" shall mean a post-high school student who by reason of adverse cultural, educational, environmental, experiential or familial circumstance is unable to qualify for enrollment as a full-time student in a postsecondary institution, and who otherwise qualifies as a needy student and who is attending a postsecondary educational institution under an established program designed to qualify him or her for enrollment as a full-time student.

(3) The term "postsecondary institution" shall mean any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of one of the following accrediting associations: The Northwest Association of Schools and Colleges, the Association of Independent Colleges and Schools, the Cosmetology Accrediting Commission, or the National Association of Trade and Technical Schools, and if such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating (with) (within) the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of one of the above named accrediting associations.

(4) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.011 through 28B.15.013 and ((commt)) board-adopted rules and regulations pertaining to the determination of residency.

(5) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(6).

(6) "Independent student" shall mean any student whose parents (including step-parent(s)) do not acknowledge and accept a financial responsibility for the student and have on record in the financial aid office documentation attesting to requirements for independence. Such requirements include the following criteria:

(a) The student has not and will not be claimed as an exemption for federal income tax purposes by any person except his or her spouse for the calendar year(s) in which a state need grant is received and the prior calendar year.

(b) The student has not received and will not receive financial assistance of more than \$750 in cash or kind from his or her parent(s) in the calendar year(s) in which a state need grant is received and the prior calendar year.

(c) The student has not lived and will not live in the home of his or her parent(s) except during occasional temporary visits during the calendar year(s) in which the need grant is received and the prior calendar year.

(d) A special category of independent students consists of persons emancipated or independent by circumstances beyond their control. Examples are wards of court and orphans. An affidavit describing such circumstances is required in lieu of documentation of the family financial situation. Students in this category will be treated as independent applicants with a \$0 parental income and contribution.

(e) Married students will be considered as dependent or independent as appropriate.

(7) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the ((commt)) board.

(8) "Budgetary cost" shall consist of that amount required to support an individual as a student for nine months, taking into consideration cost factors for maintaining the student's dependents. The ((commt for postsecondary education)) higher education coordinating board will annually review and adjust budgets which will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses and any other factors deemed necessary for consideration. The adopted budgets will be published concurrent with annual guidelines for program administration.

(9) "Total family contribution" for dependent students and students who have been independent from their parents for less than three years shall mean the sum of the assumed parents' contribution, contribution from student assets, and additional student resources. For students who have been independent for three years or longer, "total family contribution" shall mean the sum of contribution from students' assets, and additional student resources.

(10) "Parents' contribution" shall mean the contribution toward college expenses expected from the student's parent(s) as related to the total financial strength of the parents.

(11) "Student assets" are comprised of those funds other than the student's expected summer savings and additional student resources as defined in WAC 250-20-021(13) to meet his or her educational expenses which were generated primarily through the student's own efforts. Examples of student assets are money in a savings account or in a trust fund.

(12) "Additional student resources" consist of those funds made available to the student primarily because of his or her student status such as G.I. Bill or veterans benefits. They also include financial support such as public assistance benefits, vocational rehabilitation funds, CETA funds, spouses' academic year income, those portions of agency funds designated for expenses other than tuition and fees, etc.

Funds administered by the institution, Pell grants, BIA grants, those portions of agency funds designated for tuition and fees, and student employment are to be used as matching funds and as such as not included as "additional student resources."

(13) "State Need Index" is the difference between the appropriate ranking factor as identified in the following table and the student's total family contribution. Ranking factors: Students living with parents - 1970; single students living away from parents - 2770; married couple, one student((, or)) - 4065; single parent with one child - ((4065)) 5565; Married couple, both students - 5540. An additional 1000 may be added for the first dependent and 800 added for each subsequent dependent.

(14) "Academic year" is that nine-month period of time from September to June during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

(15) "Clock hours" means a period of time which is the equivalent of either:

(a) A 50 to 60 minute class, lecture, or recitation, or

(b) A 50 to 60 minute period of faculty-supervised laboratory shop training or internship.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 87-04-077

PROPOSED RULES

HIGHER EDUCATION COORDINATING BOARD

[Filed February 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Coordinating Board intends to adopt, amend, or repeal rules concerning state work study program, WAC 250-40-050, restrictions on student placement and compensation;

that the agency will at 9:30 a.m., Thursday, March 19, 1987, in the Vance Airport Inn, Sea-Tac, 18220 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.12.060.

The specific statute these rules are intended to implement is RCW 28B.12.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 18, 1987.

Dated: February 4, 1987

By: A. Robert Thoeny
Executive Director

STATEMENT OF PURPOSE

Title: Proposal to have the Higher Education Coordinating Board formally adopt state work study program rules, originally submitted to the code reviser's office March 17, 1986 (WSR 86-07-042).

Description of Purpose: This statement of purpose is written in compliance with section 23, chapter 186, Laws of 1980, and to accompany the notice of intention to adopt, amend, or repeal rules (CR-1) filed by the Higher Education Coordinating Board. This action appears necessary in that the Joint Administrative Rules Review Committee has determined that the board may not delegate rule-making responsibility to Higher Education Coordinating Board staff. Therefore, a duplicate set of the March 17, 1986, proposed rules is submitted for formal adoption by members of the board at its March 19, 1987, meeting.

Statutory Authority: RCW 28B.12.060.

Specific Statute Rule is Intended to Implement: RCW 28B.12.060.

Summary of Rule: These amendments make the following changes to the rules: Clarifies the exceptions to the 80% maximum state match; eliminates the requirement for special agreements between the Higher Education Coordinating Board and common school districts; and allows federal college work study monies to be used as the employer match for state work study students employed by adult literacy service providers.

Reasons Supporting Proposed Action: Reduce potential for misinterpretation; eliminate unnecessary administrative rules; enable adult literacy providers to employ state work study students; and seek formal adoption by Higher Education Coordinating Board.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Shirley A. Ort, Associate Director, Higher Education Coordinating Board, 908 East Fifth, Olympia, Washington 98504.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Higher Education Coordinating Board, governmental agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: Not necessary as a result of federal law or court action.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 5-82, filed 7/20/82)

WAC 250-40-050 RESTRICTIONS ON STUDENT PLACEMENT AND COMPENSATION. (1) Displacement of employees. Employment of state work-study students may not result in displacement of employed workers or impair existing contracts for services.

(a) State work-study students employed by public institutions of postsecondary education may not fill positions currently or formerly occupied by classified employees.

(b) In cases of governmental employment, state work-study students may fill positions which have been previously occupied but were vacated as a result of implementing previously adopted reduction in force policies in response to employment limitations imposed by federal, state or local governments.

(c) In all other cases, state work-study students may not fill positions which have been occupied by regular employees during the current or prior calendar or fiscal year.

(2) Rate of compensation. All work-study positions shall receive compensation equal to the entry level salary of comparable positions.

Students employed by public postsecondary educational institutions who are filling positions which are comparable to Higher Education Personnel Board classified positions must be paid entry level Higher Education Personnel Board wages for the position.

Determination of comparability must be made in accordance with State Work Study program operational guidelines.

Documentation must be on file at the institution for each position filled by a State Work Study student which is deemed by the institution as not comparable to a Higher Education Personnel Board position.

(3) Maximum total compensation. Earnings beyond the student's state work-study eligibility must be reported to the financial aid officer, and resulting adjustments made in the financial aid package. In the event that a student earns more money from employment than the institution anticipated when it awarded student financial aid, the excess is to be treated in accordance with the method specified in the state work-study operational guidelines.

(4) State share of student compensation. The state share of compensation paid students (~~((employed by state supported institutions of postsecondary education or by common school districts which have entered into a special agreement with the Council for Postsecondary Education through the Superintendent of Public Instruction's office for the placement of students in an authorized program providing tutorial assistance shall not exceed 80 percent of the student's gross compensation))~~) shall not exceed 80 percent of the student's gross compensation in the following cases: (a) when employed by state supported institutions of postsecondary education at which they are enrolled, (b) when employed as tutors by the state's common school districts which have entered into a special agreement with the Higher Education Coordinating Board for placement of students in an authorized program providing tutorial assistance, and (c) when employed in tutorial or other support staff positions by non-profit adult literacy service providers in the state of Washington who meet guideline criteria for participation in the 1985-87 Adult Literacy Pilot Program. The state share of compensation paid students employed by all other employers shall not exceed 65 percent of the student's gross compensation.

(5) Employer share of student compensation. The employer shall pay a minimum of 20 percent or 35 percent of the student's gross compensation as specified in subsection (4) above, plus the costs of any employee benefits including all payments due as an employer's contribution under the state workman's compensation laws, federal Social Security laws, and other applicable laws. The federally-funded college work-study program cannot be used to provide employer share of student compensation ~~except when used for placement of students in tutorial or other support staff positions with adult literacy service providers in the state of Washington who meet guideline criteria for participation in the 1985-87 Adult Literacy Pilot Program.~~

(6) Academic credit for state work-study employment. Students may receive academic credit for experience gained through state work-study employment.

(7) Maximum hours worked. Employment of a student in excess of an average of 19 hours per week over the period of enrollment for which the student has received an award or maximum of 40 hours per week during vacation periods will not be eligible for reimbursement from state funds.

A student may not be concurrently employed in the same position by the State Work-Study Program and the federal college work-study program and exceed the 19 hours per week average.

Further, the student cannot accept other on-campus employment which results in a waiver of the non-resident tuition and fees differential under RCW 28B.15.014.

(8) Types of work prohibited. Work performed by a student under the State Work-Study Program shall not be sectarian related and shall not involve any partisan or nonpartisan political activity.

(9) Relationship to formula staffing percentage. Placement of state work-study students in on-campus positions at public postsecondary educational institutions may not result in a level of employment in any budget program in excess of a formula staffing percentage specifically mandated by the legislature.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

AMD = Amendment of existing section
 NEW = New section not previously codified
 OBJEC = Notice of objection by Joint Administrative Rules Review Committee
 RE-AD = Readoption of existing section
 REP = Repeal of existing section
 REAFF = Order assuming and reaffirming rules
 REMOV = Removal of rule pursuant to RCW 34.04.050(5)
 RESCIND = Rescind previous emergency rule
 REVIEW = Review of previously adopted rule
 STMT = Statement regarding previously adopted rule

Suffixes:

-P = Proposed action
 -C = Continuance of previous proposal
 -E = Emergency action
 -W = Withdrawal of proposed action
 No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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